

International Labour Conference

TWENTY-FIFTH SESSION
GENEVA, 1939

**REDUCTION OF HOURS OF WORK
IN COAL MINES**

Sixth Item on the Agenda

GENEVA
INTERNATIONAL LABOUR OFFICE
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Introduction

At its Eighteenth Sitting, held on 22 June 1938, the Twenty-fourth Session of the International Labour Conference decided by a record vote of 82 against 29 to place the following item on the agenda of the next Session (Twenty-fifth Session, 1939) with a view to a second discussion

“ Reduction of hours of work in coal mines ”

It may be well to recall briefly the conditions under which this question has thus been placed on the agenda of the Twenty-fifth Session of the Conference for final discussion

The Conference, at its Nineteenth and Twentieth Sessions (1935 and 1936) had already considered the question of the reduction of hours of work in coal mines with a view to the application to this industry of the principle contained in the Draft Convention (No 47) concerning the reduction of hours of work to 40 per week. The proposed Draft Convention submitted by the competent Committee to the Twentieth Session of the Conference (1936) did not receive at its final vote the two-thirds majority necessary for its adoption.

The Conference considered, nevertheless, that the question of reduction of hours of work in coal mines should not be abandoned. It adopted a Resolution, proposed by the Government delegates of the United States of America and France, asking the Governing Body of the International Labour Office to consider the advisability of a Technical Tripartite Meeting of representatives of Governments, employers and workers in the coal-mining industry for the purpose of reaching agreement on the subject of hours of work in the industry. In May 1937 the Governing Body decided to convene such a meeting and to give it precisely the task of examining the question of the reduction of hours of work in coal mines, account being

taken of the economic and social factors which may have a bearing on hours of work in that industry

Several months later, at its October 1937 Session, the Governing Body inscribed on the agenda of the Twenty-fourth Session of the Conference the question of the generalisation of the reduction of hours of work. Thus the question of reduction of hours of work in coal mines was again raised, in a new form, within the framework of the generalisation of the reduction of hours of work.

As a result of these various decisions, the question of reduction of hours of work in coal mines had to be considered, within the interval of a month, first by the Technical Tripartite Meeting for the Coal-Mining Industry, and then by the Conference.

On the question of hours of work itself, the Office had submitted to the Technical Tripartite Meeting a White Report similar to Part III, dealing with coal mines, of the Grey Report on the Generalisation of the Reduction of Hours of Work presented to the Conference. This Report therefore contained the list of points on which the Office proposed that Governments be consulted. In addition, the Office, in the White Report, drew the attention of the Technical Tripartite Meeting to a certain number of questions which seemed to the Office to deserve particular examination for the purpose of drawing up the questionnaire to be addressed to Governments.

The Technical Tripartite Meeting on the Coal-Mining Industry was held in Geneva from 2 to 10 May 1938. The results of its work were dealt with in a report submitted to the Governing Body. In the course of its Eighty-fourth Session (May 1938), the Governing Body decided to transmit the report to the Twenty-fourth Session of the Conference.

As can be seen from this report, which is reproduced below, the Meeting, after a full discussion, in the course of which the economic and social factors bearing upon hours of work in the coal-mining industry were passed in review, took up the points which had been submitted to it by the Office, with a view to the drawing up of a questionnaire to be addressed to Governments. Various delegates put forward proposals or made observations on the subject matter or on the wording of a number of these points.

Finally, the Meeting adopted a Resolution in which it expressed its opinion in regard to the procedure to be followed for the consideration of the question of reduction of hours of work in coal mines. The Resolution suggested, in particular, that it would be well to envisage the inscription of the question of the reduction of hours of

work in coal mines on the agenda of the 1939 Session of the Conference as a separate item and for final discussion

Furthermore, the Resolution indicated that the work of the Meeting had given to the International Labour Office all the information and opinions necessary for the drawing up of a questionnaire, with a view to consulting Governments, on the reduction of hours of work in coal mines, consequently examination of this question, in the form of a first discussion by the June 1938 Session of the Conference, did not seem necessary

In accordance with the decision of the Governing Body, the report of the Technical Tripartite Meeting was brought to the attention of the delegates to the Conference in a supplementary Report to Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work. This supplementary Report contained, as well as a note by the Office submitting amendments to be made to the list of points appearing in Part III (Coal Mines) of the Report on Generalisation of the Reduction of Hours of Work, the amendments which grew out of the work of the Meeting

The Twenty-fourth Session of the Conference shared the opinion expressed by the Technical Tripartite Meeting and, as has already been indicated above, inscribed on the agenda of the 1939 Session, for a second discussion, the question of the reduction of hours of work in coal mines

This decision was preceded by the adoption by 78 votes to 26 of the list of points appearing in the Third Part (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work, amended as was indicated in Chapter II of the supplementary Report submitted to the Conference

The Office, on the basis of the Resolution adopted by the Twenty-fourth Session of the Conference, and in accordance with Article 6, paragraph 6, of the Standing Orders of the Conference, has drawn up the questionnaire which should serve in the preparation of international regulations in the form of a Draft Convention at the time of the discussion at the Twenty-fifth Session. This questionnaire, which appears in Chapter VI of the present pamphlet, is submitted to Governments for consideration and reply

In order to assist Governments to formulate their replies to the questionnaire, the present pamphlet contains the following information and documents

In Chapter II, the list of points which appears in Part III (Coal Mines) of the Grey Report on the Generalisation of

the Reduction of Hours of Work as submitted to the Conference, and in Part III (Hours of Work) of the White Report submitted by the Office to the Technical Tripartite Meeting on the Coal-Mining Industry, as well as the list of questions to which the Office drew the special attention of the Technical Tripartite Meeting,

In Chapter III, the report of the Technical Tripartite Meeting on the Coal-Mining Industry,

In Chapter IV, the points as amended by the work of the Technical Tripartite Meeting,

In Chapter V, a summary of the discussions of the Twenty-fourth Session of the Conference on the subject of the reduction of hours of work in coal mines, and

In Chapter VI, some observations on the questionnaire and the questionnaire itself

In addition, since a large number of the questions to Governments refer either to the text of the Draft Convention (No 46) limiting hours of work in coal mines (revised in 1935) or to the text of the proposed Draft Convention concerning the reduction of hours of work in coal mines submitted to the Twentieth Session of the International Labour Conference (1936) by the competent Committee and which, at the final vote, did not receive the two-thirds majority necessary for its adoption, these two texts are reproduced in the appendix

On the basis of the replies of the Governments of the States Members of the Organisation to the questionnaire, the Office, in accordance with the Standing Orders of the Conference, will draw up a report (Blue Report) which it will submit to the Twenty-fifth Session of the Conference with a view to a final decision

II

List of Points appearing in Part III (Coal Mines) of the Grey Report on the Generalisation of the Reduction of Hours of Work and in Part III (Hours of Work) of the White Report submitted to the Technical Tripartite Meeting on the Coal Mining Industry, and List of Questions to which the Office drew the Attention of the Technical Tripartite Meeting on the Coal Mining Industry.

Part III (Coal Mines) of the report on the generalisation of the reduction of hours of work, submitted by the Office to the Conference, and Part III (Hours of Work) of the report submitted by the Office to the Technical Tripartite Meeting on the Coal Mining Industry, contained a list of points on which the Office believed that Governments should be consulted. In addition, the report submitted to the Technical Tripartite Meeting contained a series of questions to which the Office drew the attention of the Meeting precisely with a view to the later consultation of Governments.

This list of points and the list of questions are reproduced below. The report of the Technical Tripartite Meeting, which appears in Chapter III, shows that the Meeting examined carefully most of these questions, and Chapter IV indicates what amendments were made to the list of points following the work of the Meeting.

A. — *List of Points appearing in Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work submitted to the Conference and in Part III (Hours of Work) of the Report submitted to the Technical Tripartite Meeting on the Coal Mining Industry*

I. — Form of the Regulations

1 Draft Convention

II. — Nature of the Regulations

2 General regulations with special provisions for coal mines, or special regulations for coal mines

III. — Underground Workers

§ 1 — SCOPE

With regard to Mines

3 Application of the regulations

- (a) To all mines from which coal, including lignite, is the only or principal mineral extracted (with special scheme for lignite mines if considered desirable),

(Conv, 1935¹, Art 1, para 1, as amended
by prop Dr Conv, 1936)

or,

- (b) To all mines from which coal, excluding lignite, is the only or principal mineral extracted

With regard to Persons

4 Application of the regulations to any person occupied underground, by whatever employer and on whatever kind of work he may be employed

(Conv, 1935, Art 2, a)

¹ Except where otherwise indicated, the provisions of this Convention are also to be found under the corresponding Articles of the Convention of 1931

5 Possibility of excluding persons engaged in supervision or management who do not ordinarily perform manual work

(Conv , 1935, Art 2, a)

§ 2 — NORMAL HOURS OF WORK

6 Assimilation of the normal hours of any worker to the time spent by him in the mine

(Conv , 1935, Art 3, para 1)

Definition of Time Spent in the Mine

7 In mines where access is by a shaft the time spent in the mine to mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending

(Conv , 1935, Art 3, para 1, a)

8 In mines where access is by an adit the time spent in the mine to mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface

(Conv , 1935, Art 3, para 1, b)

Time Spent in the Mine

9 Daily time

(a) Limitation of daily time spent in the mine, for any worker, to $7\frac{3}{4}$ hours,

(Conv , 1935, Art 3, para 2)

(b) Other limits

10 Weekly time

(a) Limitation of weekly time spent in the mine, for any worker, $38\frac{3}{4}$ hours,

(b) Limitation of weekly time spent in the mine, for any worker, to $38\frac{3}{4}$ hours, with possibility of introducing transitional scheme providing for longer hours and different distribution (see below, IX, points 63-65),

(c) Other limits

11 Collective calculation of hours of work

The period between the time when the first workers of the shift, or of any group, leave the surface and the time when they

return to the surface to be deemed the same as individual time spent in the mine provided that the order of and the time required for the descent and ascent of a shift, and of any group of workers, is approximately the same.

Conv. 1935, Art. 4.¹

12. Collective calculation where the length of the shift is reckoned exclusive of winding time:

If national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country; the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface not in any mine to exceed the limits fixed for the individual time spent in the mine, less 30 minutes. No method of regulation to be permitted by which the heavers, as a class of workers, would on the average work longer hours than the other classes of underground workers in the same shift.

(Conv. 1935, Art. 5, para. 1.)

Any Member which, having applied the method of calculation just defined, subsequently applies the methods of calculation mentioned above to make the change simultaneously for the whole country and not for a part thereof.

(Conv. 1935, Art. 5, para. 2.)

Determination of Individual Time in the Mine when Hours of Work are Calculated at the Workplace

13. Where, by law or custom effective either in the country as a whole or in a particular district of the country, hours of work are reckoned as being the period between the time of the arrival of the worker at the face or other working place and the time of his departure therefrom, exclusive of breaks; the maximum time spent by any worker at his place of work to be fixed in such a manner that this time, added to the weighted average of the time spent in travelling underground and in breaks by all the workers in the country or in the district, as the case may be, does not exceed the limits fixed for individual time spent in the mine.

Prop. for Conv. 1935, Art. 6, para. 1.)

14 Where the individual time spent in the mine is calculated by the above method additional limitation of the time spent by any worker at his place of work to 7 hours per day and 35 hours per week

(Prop Dr Conv, 1936, Art 6, para 2)

§ 3 — MAKING UP LOST TIME

15 Possibility of making up certain lost shifts

- 16 Determination

(a) By the international regulations, or

(b) By national laws or regulations, of

(i) the cases in which lost time may be made up (collective stoppages due to public or local holidays, accidents, etc),

(ii) the period within which lost time must be made up, varying with the number of shifts to be made up,

(iii) the maximum permissible extension of weekly time spent in the mine (one shift per week, for instance)

§ 4 — WORK ON SUNDAYS AND PUBLIC HOLIDAYS

17 Prohibition of employment of workers on underground work on Sundays and legal public holidays

(Conv, 1935, Art 6, para 1)

18 Possibility of working for part of a Sunday or legal public holiday, provided the workers enjoy a rest period of 24 consecutive hours, of which at least 18 fall on the Sunday or legal public holiday

(Conv, 1935¹, Art 6, para 1)

19 Determination of kinds of work which, by way of exception, may be authorised on Sundays and legal public holidays, by national law or regulations, for workers over 18 years of age

Work which, owing to its nature, must be carried on continuously, work in connection with the ventilation of the

¹ Provision not figuring in the Convention of 1931

mine, of the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in case of accident or sickness, and the care of animals; Survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking,

Urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer

(Conv , 1935, Art 6, para 2)

20 The competent authority to take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised

(Conv , 1935, Art 6, para 3)

21 Work authorised on Sundays and legal public holidays to be paid for at not less than one-and-a-quarter times the regular rate

(Conv , 1935, Art 6, para 4)

22 Special compensation (compensatory rest period or adequate extra payment) to be given to workers who are engaged to any considerable extent on work authorised on Sundays or legal public holidays, the detailed application of this provision being regulated by national laws or regulations

(Conv , 1935, Art 6, para 5)

§ 5 — SHORTER HOURS IN UNHEALTHY WORKPLACES

23. The competent authority to be empowered to fix lower maximum hours of work for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause

(Conv , 1935, Art 7)

§ 6 — EXTENSION OF NORMAL HOURS OF WORK

Extensions in Case of Accidents

24 Provision empowering the competent authority to issue regulations authorising extensions in case of accident, *force majeure*

or urgent work to be done to the machinery, plant or equipment of the mine, even if coal production is thereby incidentally involved

(Conv , 1935, Art 8, para 1)

25 Limitation of extension to that necessary to avoid serious interference with the ordinary working of the mine.

(Conv , 1935, Art 8, para 1)

26 Overtime worked in virtue of such extensions to be paid for at not less than one-and-a-quarter times the regular rate

(Conv , 1935, Art 8, para 6)

Extensions for Technical Reasons

27 Provision empowering the competent authority to issue regulations authorising extensions for technical reasons

For workers employed on operations which, by their nature, must be carried on continuously,

For workers employed on technical work in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided that this does not refer to the production or transport of coal

(Conv , 1935, Art 8, para 2)

28 Determination of length of authorised extensions

In general, half an hour a day and 2½ hours a week

(Conv , 1935, Art 8, para 2, as amended
by prop Dr Conv , 1936, Art 9, para 2)

29 Determination of length of extensions authorised for workers whose presence is indispensable for the work of ventilation and pumping stations and of such compressed-air stations as are necessary for ventilation, for underground storemen, and for winchmen and locomotive drivers and their indispensable assistants .

(a) Extensions exceeding half an hour a day and 2½ hours a week to be allowed, provided

that no worker in the above grades who is employed on operations which, by their nature, must be carried on continuously may be employed for more than 8 hours per day or 42 hours per week, exclusive of the time spent

in the mine by that worker in reaching and returning from his place of work, it being understood that in each case this time will be reduced to the indispensable minimum, the methods of application to be decided by the competent authority after consultation with the organisations of employers and workers concerned where such exist,

further, for underground storemen, for enginemen and men in charge of internal shafts who are engaged upon the transport of workers, for drivers of locomotives who are engaged upon the transport of workers, and for the indispensable assistants of the drivers, enginemen and men in charge of internal shafts mentioned above, the limit of such extensions to be fixed by the regulations of the competent authority

(Conv, 1935¹, Art 8, para 3, as amended
by prop Dr Conv, 1936, Art 9, para 3)

(b) More exact limits

30 Extension of individual daily time spent in the mine on the day of the periodical change-over of shifts of workers whose presence is indispensable for the work of ventilation, pumping, and compressed-air stations

(Conv, 1935¹, Art 8, para 4, as amended
by prop Dr Conv, 1936, Art 9, para 4)

Determination of length of extension authorised time necessary to permit the periodical change-over of shifts, provided weekly hours of work do not exceed on an average the limits fixed for the workers in question

(Conv, 1935¹, Art 8, para 4, as amended
by prop Dr Conv, 1936, Art 9, para 4)

31 Limitation of the number of workers covered by extensions for continuous operations and for preparatory and complementary work to 5 per cent of the total number of persons employed at the mine, in the case of mines in normal operation

(Conv, 1935, Art 8, para 5)

32 Other extensions necessary for technical reasons

33 Overtime worked in virtue of extensions for the technical reasons mentioned above, except that necessitated by the periodical

¹ Provision not figuring in the Convention of 1931

change-over of shifts, to be paid for at not less than one-and-a-quarter times the regular rate

(Conv , 1935, Art 8, para 6)

Overtime placed at Disposal of Undertakings

34 Provision enabling regulations issued by the competent authority to place a certain number of hours of overtime at the disposal of undertakings

(Conv , 1935, Art 9, para 1)

35 Determination of number of hours' overtime and manner in which it may be used

(a) Quota of 60 hours placed directly at the disposal of the undertaking, or

(Conv , 1935, Art 9, para 1)

(b) Quota of 80 or 100 hours, placed directly at the disposal of the undertaking and subjected to revision procedure on expiry of a period to be determined, or

(c) Quota of 80 or 100 hours divided into two parts, the first (60 hours) to be placed directly at the disposal of the undertaking and the second to be used only in virtue of collective agreements, or

(d) Quota of 80 or 100 hours placed directly at the disposal of the undertaking and divided into two parts, the first (60 hours) to be allowed on a permanent basis and the second to be used only during a transitional period to be determined, or

(e) Quota of 80 or 100 hours divided into two parts, the first (60 hours) to be placed directly at the disposal of the undertaking on a permanent basis and the second to be used only during a transitional period to be determined, and then only in virtue of collective agreements

§ 7 — NATIONAL REGULATIONS FOR APPLICATION

36 Principle that the organisations of employers and workers concerned shall be consulted before issue of the national regulations for which provision is made

(Conv , 1935, Art 10)

37 Principle that collective agreements may be used for application of the provisions of the Convention at the discretion of the competent authority, on condition that under national legislation collective agreements have the force of law in relation either to the whole of the coal-mining industry or to one or more branches of that industry

(Prop Dr Conv , 1936, Art 11, para 2)

§ 8 — ANNUAL REPORTS BY RATIFYING STATES

38 Specification in the Draft Convention of the information to be furnished in the annual reports of States, particularly with regard to the action taken to regulate time spent in the mine and with regard to regulations issued by the competent authority in virtue of the provisions of the Convention

(Conv , 1935 Art 11, as amended by
prop Dr Conv , 1936, Art 12)

§ 9 — PROVISIONS TO FACILITATE ENFORCEMENT

39 The management of every mine to notify by means of notices conspicuously posted at the pithead or in some other suitable place or by such other method as may be approved by the competent authority

- (i) The hours at which the workers of each group or shift shall begin to descend and shall have completed the ascent.

(Conv , 1935, Art 12, a)

- (ii) Such particulars as the competent authority may prescribe concerning the methods of application of the international regulations

(Prop Dr Conv , 1936, Art 13, a, (ii))

40 The competent authority to approve the time table and changes therein

(Conv , 1935, Art 12, a)

41 The management of every mine to keep a record in the form prescribed by national laws or regulations of all additional hours worked

(Conv , 1935, Art 12, b)

42 Other methods of supervision

§ 10 — SPECIAL SCHEME FOR UNDERGROUND LIGNITE MINES

43 Insertion in the Convention of a special scheme for underground lignite mines

(Conv , 1935, Art 13)

44 Definition of lignite mines

The term "lignite mine" to mean any mine, outside the United States of America, from which coal of the geological period subsequent to the carboniferous period is extracted

(Conv , 1935, Art 1, para 2, as amended
by prop Dr Conv , 1936)

Determination of Special Scheme

45 Application to these mines of the general scheme contained in the Convention, provided

- (i) that, in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine such breaks in no case to exceed 30 minutes for each shift, this permission to be given only after the necessity for such a system has been established by official investigation in each individual case and after consultation with the representatives of the workers concerned

(Conv , 1935, Art 13, para 1, a)

- (ii) that the number of hours overtime may be increased to not more than 75 hours a year and that

the competent authority may approve collective agreements which provide for not more than 75 hours' further overtime a year in the case of individual districts or mines where this is required on account of special technical or geological conditions.

(Conv , 1935, Art 13, para 1, a, and 2)

IV. — Surface Workers of Underground Mines

46 Inclusion of surface workers of underground mines in the scope of international regulations for industrial workers in general, or

Inclusion of these workers in the scope of the Convention concerning hours of work in coal mines

If Surface Workers are included in the Scope of the Convention concerning Coal Mines

47 Determination of persons to be included workers, salaried employees, technical staff;

Distinction between the staff of the mining undertaking proper and that of ancillary establishments—coke works, briquette works, distilleries, etc

48 Determination of persons to be excluded,

- (a) Possibility of excluding persons engaged in supervision or management who do not ordinarily perform manual work,
- (b) Other systems of exclusion

49 Determination of hours scheme.

- (a) Application to surface workers of hours scheme proposed for industrial workers in general, and to this end, use of the questionnaire concerning these workers, or
- (b) Extension to surface workers of the hours of work scheme for workers in open coal mines contained in the proposed Draft Convention of 1936 (See below, V, point 56)

V. — Workers in Open Coal Mines

50 Application of the regulations to workers in open coal mines

(Conv , 1935, Art 14, as amended by
prop Dr Conv , 1936, Art 15)

If the International Regulations are applied to Surface Workers of Underground Mines

Application of the regulations to all workers in open coal mines

Determination of persons to be included workers, salaried employees, technical staff;

Distinction between the staff of the mining undertaking proper and that of ancillary establishments—coke works, briquette works, distilleries, etc

52 Determination of persons to be excluded

- (a) Possibility of excluding persons engaged in supervision or management who do not ordinarily perform manual work,
- (b) Other systems of exclusion.

53 Determination of hours scheme

- (a) Application to the persons in question of the hours scheme proposed for industrial workers in general, and to this end, use of the questionnaire concerning these workers, or
- (b) Extension to the persons in question of the hours of work scheme for workers in open coal mines contained in the proposed Draft Convention of 1936 (See below, V, point 57)

If the International Regulations are not applied to Surface Workers of Underground Mines

Application of the regulations only to persons employed in extraction

54 *Determination of persons to be included*

All persons employed directly or indirectly in the extraction of coal

(Conv, 1935, Art 2, b)

55. Determination of persons to be excluded

Possibility of excluding persons engaged in supervision or management who do not ordinarily perform manual work.

(Conv, 1935, Art 2, b)

56 Determination of hours of work scheme

Application to these workers of the general scheme contained in the Convention, provided

- (i) that hours of work do not exceed

38 $\frac{3}{4}$ hours a week, the competent authority being empowered to extend this period, after consultation with the organisations of employers and workers concerned, up to 40 hours a week, or

the limits mentioned above, with a higher limit during a transitional period (see below, IX, points 63-65).

and that, in countries where the hours of work of underground workers are calculated at the workplace, hours of work in open mines may not exceed the limits fixed for underground workers, the methods of application to be decided by the competent authority after consultation with the organisations of employers and workers concerned, and

- (ii) that the number of hours' overtime may be increased to not more than 100 hours throughout the country, and, further, that where special needs so require, but only in such cases, the competent authority may approve collective agreements which provide for an increase of the above-mentioned 100 hours by not more than a further 100 hours a year

(Prop Dr Conv, 1936, Art 15)

VI. — Special Schemes for Certain Countries

57 Inclusion in the international regulations of special schemes for certain countries, in conformity with the provisions of Article 19, paragraph 3, of the Constitution of the International Labour Organisation

Possible Special Schemes

58 For Asiatic countries China, India and Japan Hours of work to be fixed at

8 hours a day and 48 hours a week for surface workers, and
7¾ hours a day and 46½ hours a week for underground workers

59 For Chile for submarine deposits, exclusion of travelling time underground in both directions, minus the average travelling time underground in European mines, from the calculation of the individual time spent in the mine

60 For the Union of South Africa, a special scheme, to be determined with reference to the character and the conditions of employment of coal mine workers in that country.

VII. — Safeguarding Clause

61 Inclusion in the regulations of a safeguarding clause relating to the conditions stipulated in national laws or regulations, awards,

customs or agreements that are more favourable than those provided in the international regulations

(Conv , 1935, Art 15, as amended by
prop Dr Conv , 1936, Art 16)

VIII. — Suspension of Application of the Regulations

62 Possibility of suspension of the application of the international regulations by the Government of any country in the event of emergency endangering the national safety.

(Conv , 1935, Art 16)

IX — Gradual Application of the Regulations

63 Gradual application of the international regulations, as regards the reduction of hours of work, for all the coal mines of any country or for certain classes of mines, or for certain mining districts

The competent authority to be empowered to fix hours of work for the fortnight, at 11 shifts (6 shifts in one week and 5 shifts in the next) of 7 hours 45 minutes each for underground workers and 8 hours for surface workers

64 Determination by national laws or regulations of the cases in which the transitional scheme mentioned above would be applicable

65 Determination in the international regulations of the period on expiry of which the transitional scheme would cease to apply (2-4 years, for instance)

X — Coming into Force and Duration of the Convention

66 Inclusion in the Convention of a provision that until it has been ratified by certain named States, any party to the Convention may denounce it at any time by giving one month's notice

XI. — Revision of the Convention ¹

67. Inclusion in the Convention of a special clause providing for consideration by the Governing Body of the desirability of revising certain provisions of the Convention on expiry of a period shorter than the period contemplated by the usual Article relating to periodical reports

68. Determination of the period on expiry of which the desirability of revising certain provisions of the Convention should be considered (2-4 years, for instance)

69. Determination of the provisions to which the revision might relate:

- (i) Maximum limits for hours of work in the different classes of mines;
- (ii) Exceptional methods of calculating hours of work.
 - (a) collective calculation excluding all winding time,
 - (b) calculation of hours of work at the workplace
- (iii) Number of hours' overtime allowed for the different classes of mines
- (iv) Special schemes

B — *List of Questions to which the Office drew the Attention of the Technical Tripartite Meeting on the Coal Mining Industry*

1. Nature of the Convention

(Point 2)

Should the international regulations concerning the reduction of hours of work in coal mines take the form of a special Convention or be included in a Convention applying to industry in general ?

¹ Cf Conv 1935, Art 21

2. Limits of the Daily and Weekly Hours spent in the Mine

(Points 9 and 10)

What are the daily and weekly hours on which it would seem possible to reach an agreement?

$7\frac{3}{4}$ hours a day and $38\frac{3}{4}$ hours a week, or
8 hours a day and 40 hours a week, or
other hours?

3. Gradual Application of the International Regulations

(Points 63-65)

If the immediate application of the $38\frac{3}{4}$ -hour week proved difficult, would it be desirable to make provision for a transitional scheme, lasting 2-4 years, on the basis of weekly hours ranging from $38\frac{3}{4}$ (5 shifts of $7\frac{3}{4}$ hours each weekly) to $46\frac{1}{2}$ (6 shifts of $7\frac{3}{4}$ hours each weekly), as, for example, a system of 11 shifts of $7\frac{3}{4}$ hours each per fortnight, of which 6 shifts would be worked one week and 5 the next?

The application of the transitional scheme would be left to the discretion of the competent national authority and might cover all coal mines in the country or certain categories of mines or certain mining districts¹

4. Making up Lost Time

(Points 15 and 16)

Should provision be made in the international regulations for making up shifts lost through collective stoppages due to public or local holidays, accidents, etc.?

If so, within what period should lost time be made up and what should be the maximum possible extension (of hours or of shifts) for this purpose?

¹ If the Convention made provision for the adoption of a transitional system of this kind for underground workers, it would doubtless be necessary also to provide a similar system for any other categories of workers who might be covered—surface workers of underground mines and workers in quarries.

5. Work on Sundays and Public Holidays

(Points 17-22)

Is it necessary to stipulate in the Convention that work on Sundays and public holidays is prohibited, and as a corollary, to regulate the work that may be performed on such days ?

If so, are the provisions of the Draft Convention of 1935 satisfactory ?

6. Extensions for Technical Reasons

(Points 27-33)

(a) Is it possible to limit more strictly than was done in the Draft Convention of 1935 and than was indicated in the proposed Draft Convention of 1936 the extensions authorised for certain classes of workers employed on continuous operations or on preparing and terminating work ?

If so, what limits might be laid down ?

(b) Is it necessary to make provision for extensions for technical reasons other than those included in the Draft Convention of 1935 ?

If so, what might these exceptions be, and what should be the limits of the extensions in each case ?

7. Overtime placed at the Disposal of Undertakings

(Points 34 and 35)

(a) Is it desirable to provide a larger quota of overtime than that specified in the Conventions of 1931 and 1935 ?

(b) If a supplementary quota of overtime is added to that provided in the existing Conventions, is it desirable.

to make the utilisation of such overtime subject to special formalities, such as an agreement between the parties concerned, or,

to grant the supplementary quota during a transitional period only ?

(c) Is it desirable for practical reasons to fix the number of hours of overtime authorised for workers below the surface in underground mines at a multiple of $7\frac{3}{4}$ hours so that it will correspond to an exact number of shifts ?

8. Utilisation of Collective Agreements for the Application of the International Regulations

(Point 37)

Might collective agreements or arbitration awards be used in place of regulations issued by the competent authority for the application of certain provisions of the Convention ?

Are the conditions adequate which, according to the proposed Draft Convention of 1936 should be satisfied by such agreements or awards before they can take the place of regulations issued by the competent authorities ?

9. Surface Workers of Underground Mines

(Points 46-49)

(a) Is it possible to apply an identical hours of work scheme to the surface workers of underground coal mines and to industrial workers in general ?

(b) Is it preferable to include the surface workers of underground mines in a Convention covering industry in general, or in a special Convention for coal mines ?

(c) If surface workers of underground mines were included in the Convention concerning coal mines, how should the distinction be made between the workers covered by the regulations concerning coal mines and those covered by the regulations concerning other industrial undertakings ? In particular what solution should be adopted for the problem of the staff of ancillary establishments, and if such establishments were not included along with coal mines, how could the discrimination be made between workers employed in the mining undertaking proper and those employed in ancillary establishments ?

(d) Should the staff to be excluded be determined according to the formula used for underground workers—exclusion of persons engaged in supervision or management who do not ordinarily perform manual work—or should some other formula be used, such as that adopted in the Draft Convention (1937) concerning the reduction of hours of work in the textile industry exclusion of persons who by reason of their special responsibilities are not subjected to the normal rules concerning hours of work ?

(e) Would the scheme laid down in the proposed Draft Convention of 1936 for the workers in open coal mines be satisfactory for the surface workers of underground mines? Under this scheme the hours of work would not exceed $38\frac{1}{2}$ in the week, but they could be extended by the competent authority, after consulting the organisations of employers and workers concerned, to 48 hours in the week with a quota of 200 hours of overtime, of which 100 could be worked only in the case of special requirements and by collective agreements.

10. Workers in Open Mines

Points 1-41

Should the special provisions of the proposed Draft Convention prepared by the Conference in 1936 concerning workers in open coal mines be retained?

If the surface workers of underground mines were included in the scope of the Convention, would it be possible for the regulations governing them to apply to all workers in open coal mines?

11. Special Schemes for Certain Countries

Points 47-51

Is it desirable in accordance with paragraph 3 of Article 19 of the Constitution of the International Labour Organisation, to make provision for special schemes of hours of work for certain countries?

If so, would the following be suitable:

For the Asiatic countries, 7 $\frac{1}{2}$ hours a day and $46\frac{1}{2}$ hours a week for underground workers and 8 hours a day and 48 hours a week for surface workers;

For Chile, for submarine deposits, exclusion of travelling time underground, minus the average travelling time underground in European mines, from the calculation of the individual time spent in the mine¹;

¹ This average time would seem to be about one hour. According to the survey into hours of work in coal mines made by the International Labour Office in 1935, the average length of the travelling time underground was 5 minutes in Belgium and France, 6 minutes in the Netherlands, 64 minutes in Poland, 40 minutes in Spain, 55 minutes in the Democratic and Czech Republics and 11 minutes in Czechoslovakia.

For the Union of South Africa, a scheme taking into account the special conditions of employment of workers in coal mines ?

12. Coming into Force and Duration of the Convention

(Point 66)

As the necessity for simultaneous ratification has so far proved an obstacle to progress in the case of the 1931 and 1935 Conventions, would it not be desirable, in order to facilitate the coming into force of a new Convention, to include a provision that until it has been ratified by certain named States, any party to the Convention may denounce it at any time by giving one month's notice ?

When the Convention was ratified by all the named States the undertaking given by all the States that had ratified would cease to be provisional and would become binding for a specified period

13. Revision of the Convention

(Points 67-69)

Is it desirable to introduce in the Convention a special clause of the type included in Article 21 of the Conventions of 1931 and 1935, to provide that on the expiry of a comparatively short period after its coming into force the Governing Body of the International Labour Office should consider the desirability of revising certain provisions of the Convention, such as those concerning

Maximum limits for hours of work in the different classes of mines,

Exceptional methods of calculating hours of work (collective calculation excluding all winding time and calculation of hours of work at the workplace),

The number of hours of overtime allowed for the different classes of mines ;

The special schemes for certain countries ?

III

Report of the Technical Tripartite Meeting on the Coal Mining Industry

Geneva — May 1938

INTRODUCTION

In 1929, the Assembly of the League of Nations suggested that the International Labour Office should prepare an international agreement bearing on certain conditions of employment likely to facilitate the conclusion of economic agreements

A preparatory technical conference took place in 1930 and prepared the way for an agreement concerning hours of work. In 1931, the Fifteenth Session of the International Labour Conference adopted a Draft Convention limiting the time to be spent in the mine by each worker to $7\frac{3}{4}$ hours a day and prohibiting Sunday work. This Convention, which was partially revised in 1935, has not yet come into force, as its ratification has met with a number of difficulties.

Nevertheless during 1933-1934, when the general reduction of hours of work was under discussion, the possibility of adapting to the coal-mining industry the principle of the 40-hour week was considered. The question of the reduction of hours of work in coal mines was again placed on the agenda of the Nineteenth Session of the International Labour Conference in 1935.

A Draft Convention was prepared by a Committee, but it was not examined by the Conference, which decided to apply the double-discussion procedure, and placed the question on the agenda of the next session for second discussion.

In June 1936, at its Twentieth Session, the International Labour Conference was called upon to take a decision on a proposed Draft

group and by Mr R J WATT (United States of America) for the workers' group

The Secretariat of the League of Nations was represented by the Director of the Section of Economic Relations

The work of the Meeting was followed by Mr. LI PING HENG (China), member of the Governing Body.

The total number of delegates at the Meeting with the right to vote was 28 In addition 41 advisers took part in the work of the Meeting, which was thus attended by 69 persons in all

I. — OPENING OF THE MEETING

The first plenary sitting was opened by Mr LFGGETT (representative of the Government group of the Governing Body), who reviewed the conditions under which it had been decided to hold the Meeting and called attention to the report put at its disposal by the International Labour Office

The Meeting elected the following officers Chairman, Mr G RAVEN (Belgian Government delegate), Vice-Chairmen, Mr W A LEE (British employers' delegate), Mr P VIGNE (French workers' delegate), Members, Messrs F. W LFGGFTT, H C OERSTED and R J WATT (representatives of the Governing Body)

To assist the officers the Meeting appointed a General Purposes Committee consisting of the officers of the Meeting and three members from each group, viz

Government Group Mr R J WATKINS, United States of America, Mr P J M AALBERSE, Netherlands, Mr T SAS KOMARNICKI, Poland

Employers' group Mr. P. PARENT, France, Mr C LEGRAND, Belgium, Mr T STADNIKIEWICZ, Poland *Substitutes* Mr D C KENNEDY, United States of America, Mr A HAEX, Netherlands, Mr Z MALOCH, Czechoslovakia

Workers' group. Mr A D LEWIS, United States of America, Mr W LAWTHORP, British Empire, Mr. J STANCZYK, Poland

The drafting Committee was composed of two members per group, namely

Government group Mr H W COLE, British Empire, Mr BLUM-PICARD, France

Employers' group Mr W A LEE, British Empire, Mr P. PARENT, France

Workers' group Mr A D LEWIS, United States of America, Mr P VIGNE, France

The secretariat of the Meeting was constituted as follows.

Secretary-General Mr HAROLD BUTLER.

Deputy Secretary-General. Mr. A TIXIER

Experts · Mr. JOHNSTON and Mr. LORWIN assisted by Mr WUBNIG and Mr. VIALA

Record: Miss RIEGELMAN and Miss LEONI

On the proposal of the Deputy Secretary-General, the Meeting accepted the Standing Orders prepared by the International Labour Office, which had already been used by various technical tripartite meetings

Before the Meeting began its discussions. the Secretary-General made a statement as to its procedure

II. — GENERAL DISCUSSION

The Meeting decided to begin its proceedings with a general discussion. This discussion lasted almost eight full sittings.

The speakers included the Government delegates of the United States of America, Belgium, Brazil, British Empire, Chile, France, Netherlands, Poland, the employers' delegates of the United States of America, Belgium, British Empire, France, Netherlands, Poland, Yugoslavia, the workers' delegates of the United States of America, Belgium, British Empire, France, Netherlands, Poland and Yugoslavia; together with the representatives of the employers' and workers' groups on the Governing Body. The total number of speakers was thirty.

Many delegates expressed a favourable opinion of the Report presented by the Office which in their view, thanks to the wealth and objectivity of the information contained in it on the whole field of economic and social conditions in the coal-mining industry, had provided the Meeting with an excellent basis for its work. Some delegates regretted the lateness of the distribution of the first two volumes of the Report, while recognising the considerable amount of work which it had involved in a limited time for the staff of the Office.

In the course of the very full general discussion, the delegates provided the Meeting with additional information and also statements on their position, the position of their country or the position of their group with regard to present or future work with a view to a new effort for international regulation of hours of work.

These statements and particulars are of very great importance. It has, therefore, appeared necessary to give in the report to the Governing Body a substantial summary of the facts stated and the opinions expressed by the delegates of Governments, employers and workers.

A. — Government Statements

The delegates of the United States of America, Belgium, Brazil, British Empire, Chile, France, Netherlands and Poland, made statements either to provide information on the coal-mining

industry in their country, or to indicate the position of their country on the question of the reduction of hours of work in coal mines

For both economic and social reasons, the *Government delegate of the United States* declared, the Government of his country was favourably disposed toward a reduction of hours of work. By repeated official pronouncements and by many legislative enactments, that Government had made clear its intention of doing everything within its power to raise the workers' standard of living. It adhered to the policy of peaceful collaboration in solving the great problems of the world and recognised the special need of collaboration in the economic sphere. By appointing representatives to this Meeting, it had accepted the responsibility of doing all it could to assure the Meeting's success.

Since 1934 a collective agreement had been in force which limited hours of work in the coal mines of the United States to 7 in the day and to 5 days a week. Thus his country came to the Meeting with a very favourable record. It was true that where hours of work were calculated in the United States as effective hours at the face, the European practice was to count all time in the mine. Even on the European basis, however, the maximum underground time of coal miners in the United States would be about 40 in the week, or less than 40 hours if the lunch period were excluded. The averages of time actually spent at work and actually spent in the mine are much lower than these maxima.

There were more than 6,000 bituminous coal mines in the United States, producing 442 million short tons in 1937, and these mines were spread over thirty odd States. Anthracite coal production, almost entirely confined to one State—Pennsylvania—and therefore not subject to the same Federal measures, amounted in 1937 to 52 million short tons.

During the eight decades which preceded the World War, bituminous coal mining had been a rapidly growing industry. Since 1918, however, it had been afflicted by over-capacity because of the necessity of adjusting itself to a generally diminishing market. The maladjustments of this industry had become a matter of national concern. A large rôle in the building up of excess capacity had been played by the high prices and heavy demand of the war years and by the labour disturbances of the post-war period. These factors had been aided by the play of freight-rate differentials for long and short hauls. The development of excess capacity was shown clearly by the official figures on the large annual margins between actual and possible output. But these figures did not tell the whole story, because they took no account of idle mines which were brought back into production as soon as prices rose, nor did they allow for the large reserves of undeveloped coal lands. Although over-capacity had been diminished somewhat because of the abandonment of mining properties and the shortening of hours of work, it was still a serious problem and forces were at work which tended to promote and maintain the amount of excess capacity. Among the promoting forces were the downward trend of coal consumption over the long run, the incentive towards further mechanisation, and the pressure of carrying costs on unused coal reserves. Among the maintaining forces were the seasonal and cyclical peaks of demand for coal, the inelasticity of demand for coal and wage-differentials favouring high-cost mines. Over-supply of labour force went hand in hand with over-capacity of productive facilities, and this was due to the temporary swelling of

demand during the war, to the post-war labour disturbances which led to employment of workers in new, non-union areas, and to the declining trend of coal output. Mine workers had also been displaced by the steady increase in the use of machines, particularly for the undercutting of seams, transportation within the mine and grading of coal. Loading, however, was still a hand occupation for the most part and remained the chief source of employment for miners. There were thus immense possibilities of still further labour displacement if loading machines were more generally introduced. Because of the raising of wage rates in the recent past and of the upward price adjustments which had been made through price control under Government auspices, it seemed likely that future attempts to balance prices and costs would be directed toward increasing labour efficiency through further mechanisation.

Unionisation of bituminous mining on a national scale had served to eliminate competitive wage cutting between and within districts. Because the wage scales in each district bore a fixed relation to that in every other district, shifting of production from one field to another would be ended as long as the differentials equalised the competitive status of the several fields. Thus the great problems which remained were excess productive facilities and a labour surplus. But if, as was probable, the competition of other fuels with coal and increased efficiency in the use of coal had spent most of their force, the upward trend in the energy requirements of the United States might arrest the long-run downward trend of coal output. During the last few years in any event, coal output had enjoyed a strong cyclical rise and had also enlarged its percentage contribution to the energy requirements of the country. There was no statistical evidence at all for the belief that the labour reforms of the recent past had raised costs in a manner to enlarge unemployment among coal miners or to cause coal to lose markets to other forms of energy.

Thanks to the unionisation of the industry which had become widespread under Government protection, wage rates had been raised, and this, with the cyclical increase of output, had enlarged the annual earnings of mine workers. The shorter working week had acted, in its turn, to bring about employment of more mine workers. But the problems of the industry remained serious and required adjustment, in particular, to the cyclical troughs as well as to the cyclical peaks of demand. The need to provide for the permanent stability of bituminous coal mining, and on a national basis so far as inter-State commerce was thereby affected, had led the Federal Government into a large variety of control measures for many years past. The Bituminous Coal Act of 1937 set up a plan of control whereby minimum prices, based on average costs of production, would be fixed in each of 23 mining districts. Although these minimum prices would be proposed by the district boards of Code members (that is, mine operators) in each district, they had to be approved by the National Bituminous Coal Commission under safeguards which protected the rights of the consuming public as well as those of mine owners. Where the Commission saw fit, it might exercise its additional powers of setting maximum prices as well. The general line of policy of the United States Government was to assure the welfare of bituminous mining and to promote the well-being of miners, operators and consumers alike through two complementary approaches: first, to regulate prices and trade practices, so far as inter-State commerce was concerned, by means of the Bituminous Coal Act of 1937, second, to encourage collective bargaining with respect to hours of labour, wages and working conditions. In

pursuing this policy, the Government aimed at friendly collaboration with the miners and the operators in effecting solutions fair to both and fair to the public interest at the same time. The Government would be ready to repair demonstrated weaknesses in its policies, but did not intend to retreat from the economic and social advances it had made in the domain of bituminous coal.

Although recognising the differences between its own and European problems, and although sympathising with the serious practical problems of the European industry, the United States Government nevertheless hoped, in view of the developments since 1935, that the members of this Meeting would re-examine the questions on the Agenda in a serious effort to secure international agreement on hours of work in the coal-mining industry. It took the view that this Meeting should initiate a programme looking toward international control measures similar in spirit to the programme, which, in the United States, had brought to an end inter-State competition in the setting of labour standards for coal miners. Cartels and bilateral agreements, which had been referred to by other delegates, might have their proper place in European arrangements, but the conclusion of an international Convention on hours of work would assure that these arrangements did not act to intensify the present international competition in hours of work among the coal-mining countries.

It was the special technical difficulties of coal mining in that country to which the *Government delegate of Belgium and his technical adviser* drew the particular attention of the Meeting. It was generally agreed, they stated, that the natural difficulties of coal mining tend to attain their upper limits in Belgium. Except for the Campine Basin, which contributes only a fifth of the national output, the coal mines of Belgium were very old. The shafts were extremely deep, the difficulties of ventilation were great, the earth thrust was often considerable, and it was costly to remove rocks and to pump out water. At the same time, in the highly gaseous mines of Belgium, it was necessary to take special precautions, also calling for extra expense, against the dangers of fire-damp and even of instantaneous escapes. Finally, the coal seams in Belgium were much thinner, on the average, than those of most other countries where coal was mined. For all of these reasons, the costs of mining coal tended to higher levels in Belgium than would be found in the general run of European coal basins. For these same reasons, also, the labour productivity of coal miners in Belgium was very much lower than that of miners in Germany, the United States, France, Great Britain, the Netherlands, Poland, or Czechoslovakia. To overcome these difficulties, the coal-mining industry of Belgium had been led to take such large recourse to mechanisation that about 98½ per cent. of the output was now being obtained by mechanical appliances. But in spite of the special technical difficulties of that country's coal mines, the Government of Belgium, in 1937, had reduced hours of work below the limits of 7 hours 45 minutes as called for in the Convention of 1931 as revised in 1935. The work-day, for underground workers, had been fixed at 7½ hours, which was believed to be the lowest at present in Europe. The Belgian Government had thus made proof of its good will from the social point of view, but it could not, of course, neglect the special technical factors of coal mining in that country.

Although the Belgian Government believed in the shortening of the hours of underground work in coal mines, had consistently pronounced itself in favour of that principle and had taken steps towards this

end which it hoped other countries would follow, it still held to its attitude of earlier years. It was ready to take all the needful measures for a new shortening of hours of underground work in Belgian coal mines when the most important of the coal-mining countries were ready to do the same. In the view of the Belgian Government, which supported the earlier proposal of the British Government to this effect, the Meeting should seek to agree on a list of points on which Governments might be consulted with a view to bringing the reduction of the working hours of coal mining before the Conference of 1939.

The *Government delegate of the British Empire* pointed out that in the British coal-mining industry many steps had been taken to improve the lot of the miner during the eight years since the last technical meeting on the reduction of the hours of colliery workers.

Prior to 1930, voluntary schemes had been set up among the colliery owners in a number of mining districts with a view to regulating output and prices. To overcome the shortcomings of these schemes, due to their voluntary character, the Coal Mines Act of 1930 had been enacted. This Act provided for the setting up in every district of a scheme statutorily binding on all the colliery owners in the district for the regulation of output and prices. The operation of these statutory schemes, in so far as quantitative regulation was concerned, was on the whole fairly successful, but price regulation was largely ineffective.

Up to 1935, the schemes in force under the 1930 Act, while they did not improve the proceeds of the industry, steadied the wholesale prices of coal at a time when the wholesale prices of most other commodities were falling rapidly. The results of the operation of the schemes were on the whole of a negative rather than a positive character.

A new situation arose, however, in 1935. The mine workers tabled a national demand for an increase in wages, a demand which secured a remarkable measure of support both inside and outside Parliament. While it was agreed that an increase of wages was justified, it was also agreed that the finances of the industry were quite unable to bear the burden of the increased wages cost. It became clear that the selling arrangements must be so reorganised that inter-colliery competition, which still persisted, and resulted in unreasonably reduced prices, could be brought to an end. Accordingly, in the autumn of 1935, the British Government was given an assurance by the British coal industry that, by the middle of 1936, an organisation for the complete and effective control of the sale of coal would be set up in each coal-mining district, with national co-ordination through the Central Council of Colliery Owners. The Government accepted this assurance, subject to the condition that the arrangements should have a measure of permanency, that they should apply to coal owners in every district, that they should effectively prevent inter-colliery competition and that they should be so drawn up that evasion could not exist. The schemes in force under the Act of 1930 were amended accordingly to provide for the new selling arrangements, which became operative after 1 August 1936.

The reorganisation of the selling side of the industry in Great Britain has thus been accomplished in easy stages, by a series of experimental moves. The testing time of the present arrangements has only just begun.

The avowed object of the coal-selling schemes is to increase the proceeds of the industry by putting up prices to an economic level and thus providing a proper wage for the mine worker and a fair return on the capital invested in the industry. But the consumer must also

be given a fair deal, or he will be forced into extreme economies in coal consumption or be driven to alternative sources of heat light and power to the detriment of coal. The British Government have provided safeguards for giving him adequate protection against exploitation. He can complain to a Statutory Committee of Investigation if he considers that the coal-selling organisation is acting unfairly inequitably, or contrary to the public interest, and if he makes his case he receives redress.

The Government have also given much consideration to the statutory reorganisation of the coal-mining industry for the purpose of securing reductions in costs.

They have taken steps to assist the coal-mining industry by facilitating and encouraging the amalgamation of individual producing units where this is considered to be in the national interest, and legislation now before Parliament provides that the powers and duties of the Commission set up by the Act of 1930 (in an improved and strengthened form) shall be transferred to a Commission which will also unify and administer the coal royalties.

The last decade was one of grave difficulty in the coal export market. The reorganisation effected by the 1930 legislation enabled the industry to maintain prices on a collapsing market and thus meet increased labour charges, but only at the cost of a loss of business in foreign markets unparalleled in its history.

In the autumn of 1931 sterling was devalued. This however did not result in an improvement in coal exports as the price of competing coals was reduced by the extent of the devaluation.

In 1933 the United Kingdom Government began a policy of defending the coal export trade by commercial negotiations. A series of trade agreements was concluded, principally with the countries of Northern Europe, but these were countered by an intensification of foreign competition in other markets, with the result that, in spite of the protection afforded by the Trade Agreement, the United Kingdom was only able to maintain her exports with no alteration in average price. On the other hand, Germany actually increased her exports while the average price of German coal exports in 1934 was 9.84 RM per metric ton, as compared with 19.83 RM in 1929.

With the marked recovery in world trade in 1937, and the increase in demand for coal, United Kingdom coal exports rose as compared with 1935 by about 4 per cent, German exports in the same period rose by some 40 per cent.

The British Government felt that unilateral action would only intensify chaos, and that a satisfactory solution of the problems of the European export trade could not be found save by international action. Accordingly, in agreement with the views expressed some years ago by the Economic Committee of the League of Nations, they sought a solution in the negotiation by the coal producers of international agreements concerning outputs, markets and prices.

The Anglo-Polish Coal Agreement of 1934, recently renewed, was a concrete expression of this attitude, although the British Government concurred in the view of the colliery owners that the full benefits of the agreement could not be obtained so long as Germany and other coal-mining countries remained outside. If some progress has been made during recent years in the interchange of views looking toward the formation of a European coal cartel, it is mainly because of the initiative of the British coal-owners and of the encouragement which they had received from the British Government.

For the purpose of fixing wages, the British coalfields are divided into twenty-one districts. The collective agreements made in these districts are similar in general principle. They are all based on the idea that the proceeds available from the sale of coal, after deducting the cost of production, should be divided in an agreed ratio (87/13 or 85/15) between wages and profits.

The miner's wages consisted of two elements—first, the basic rate, which took account of variations in the nature of the work and of the conditions under which it is performed, and second, a percentage supplement to the basic rate which reflected the financial prosperity of the district. Between 1930 and 1937, average earnings per man-shift had risen from 9s 8d to 11s, annual earnings per worker had gone up from £118 to £149 while the average cost of living had fallen by 4 points.

The coal-mining industry of Great Britain was unique in providing systematically for the welfare of the workers on a national basis. Since 1920 a sum of £16·7 million had been allocated to various purposes by the Miners' Welfare Fund, of this sum, nearly £5 million had gone to pithead baths, almost £5½ million had gone to recreational facilities, almost £3½ million had been spent on medical services, over £1·1 million had been granted to educational projects and £1 million more had been expended on research regarding mining accidents and mining diseases.

As for holidays with pay, discussions between colliery owners and workers had recently been taking place in all districts. In almost all of the major districts, definite agreements had recently been reached or the principle at issue accepted, while discussions were still in progress elsewhere. These agreements ordinarily provided for a week's holiday with a payment of £3 for married men and proportionate amounts for others.

Since 1930, therefore, the British Government had, by means of the district schemes for regulating output and sales, provided the coal-mining industry with machinery for increasing the total revenue to be shared between wages and profits, it had facilitated and encouraged the amalgamation of individual collieries and was now legislating to unify royalties under public ownership, it had protected the export trade by defensive measures as far as possible and actively aided the industry's efforts to secure an international agreement on the marketing of coal, it had concerned itself actively with the question of granting holidays with pay and had provided for the continuation of the Miners' Welfare Fund. Since 1930, moreover, the apparatus of control in coal mining had served first to protect coal prices against the world-wide collapse of commodity prices and more recently to bring prices back to more reasonable levels, simultaneously with these developments, daily earnings had risen by ¼d and annual earnings by £31, while the cost of living had fallen by 4 points.

But all the developments of the last eight years were so complex, and the Office report raised such a large number of important points, that examination by the Meeting would not suffice, a further and fuller consideration would have to be given by the Governments of the coal-producing countries. The British Government therefore proposed, as the most useful step which the Meeting could take, that it should agree upon a list of points on which the Governments could usefully be consulted with a view to further consideration of the question at the 1939 Conference. For this purpose, the list of points set out in the Office report appeared to provide an excellent basis.

The *Government delegate of Brazil* was of the view that although the world had grown richer concurrently with a shortening of hours of work over the course of the last two centuries, this was primarily due to the enlightened self-interest of those who invented undertook and saved. Like natural laws, he stated those of economics were inexorable, so that it would be impossible to reduce the working hours of any one group without impoverishing the rest of humanity—except where the reduction of working hours was the sequel to the accumulation of new riches or the invention of new equipment or methods of work. Calling attention to the competition of oil and water power with coal, he asked whether it would truly revive coal mining to increase the sales price of coal. The greatest economic well-being of mankind was to be obtained by the play of free competition and it was essential, moreover that the interests of the whole community should not be prejudiced to any one class or classes. The interests of workers and of owners, of capital and of labour were harmoniously merged in the general interest and all Governments should pursue those policies which were best calculated to attain the maximum of economic well-being for the community as a whole. Because of combinations among workers and owners, the free play of the forces of competition was often disturbed. In intervening between workers and owners the State should seek to set wages at the levels they would have reached if the forces of competition had been allowed free play for the general interest demands the maximum of flexible adaptation in industrial activity.

That certain events had taken place during the last two or three years which justified the calling of the Meeting, was the opinion of the *Government delegate of Chile*. He drew particular attention to the shortening of hours of work in Belgium, France, Poland and other countries. The questions thus arose of the international significance of these changes, of the sense in which they justified hope in an agreement founded on new bases, of the extent to which they modified the pre-existing situation and affected the competitive balance between countries which had shortened hours of work and those which had failed to do so. In the light of these developments the Meeting would find a basis of discussion which was more than a simple repetition of the arguments of 1936. This basis of discussion was afforded by the reactions upon the workers well-being of the changed competitive equilibrium which had resulted from the shortening of hours of work in certain countries.

Both the *Government delegate of France and his substitute* stated that the Government of their country was deeply concerned to have the present Meeting reach a successful issue on the question of reducing hours of work in coal mines by means of an international agreement. France had taken an act of faith in reducing hours of work in her own coal mines. Although the economic aspect of the problem was of vital importance, so also was the social, and both had to be considered together. From the social point of view it was certain, given the fatiguing conditions of work which prevail underground, that coal miners should be the first to benefit from a reduction of the hours of work. From the economic point of view, the Government of France was likewise persuaded that shortened working hours were one of the effective means which could be used to overcome the crisis in the world coal-mining industry. This crisis, which reflected itself in the permanent unemployment of coal miners in certain countries might have been hidden in

1937 by the upsurge of coal consumption in the metallurgical and armament industries, but it remained latent, because its fundamental causes were still operative. The root of the problem could be reached only by the shortening of the hours of work. Although France had to face particularly trying conditions in introducing this reform, it had taken deliberate and unilateral action to reduce the work-week of coal miners. Its Government had come here to say that other countries should also make progress along this path, with such prudence as might be called for by the general conditions of the moment.

From 1934 to 1936, the French colliery industry underwent a deep depression because of the world-wide fall of industrial activity. To protect its national collieries, handicapped as these are by low productivity, the French Government was obliged to apply a strict quota system against coal imports. But these quota limitations could not be extended indefinitely, particularly in a country like France, where certain regions must be supplied by coal shipments from abroad. At the same time, the quota system applied to volumes, not prices, so that the French collieries were obliged to lower their sales prices through the pressure of falling prices for coal in other countries. Out of this arose the necessity for lower costs of production, the effort to achieve which led to part-time working of mines, to corresponding partial unemployment and even to the sending back of foreign workers, for French collieries are dependent on foreign workers for a large part of their labour supply. Although the total labour force in coal mining dropped from 300,000 to 224,000, partial unemployment was widespread, so that in 1935 the collieries of France barely worked an average of 20 days a month which was equivalent to a working week of 40 hours.

So far as the lowering of costs of production was concerned, this was mainly attained on the side of labour costs by increasing the output per man-shift while paying the same daily wages to coal miners. Such a rise of labour productivity was inevitable because labour costs are the major element of total costs of production in the mining of coal, while the elasticity of coal prices is primarily dependent upon wages. The social repercussions of the efforts of French collieries to lower their costs of production were such as to make it necessary, in a democratic country like France, to find a safety valve, above all, by the shortening of hours of work as well as by holidays with pay and a number of other labour reforms.

The special nature of the mine worker's tasks completely justified, in the view of the French Government, his being granted a privileged status as compared with other workers. But it would appear that coal miners were to-day less favoured, relatively to industrial workers in general, than they had been before the World War. It was particularly urgent, therefore, in order to maintain a stable, effective and skilled labour force in the coal-mining industry, that its workers be favoured by special social legislation with regard, more specifically, to the length of working hours in mines.

If there was a shortage of coal in 1937, which France felt more sharply than other countries, that was not because the means of production were lacking, on the contrary, there was still a considerable mass of unemployed miners in certain countries. The coal shortage of 1937 was mainly explained by the technical factors which prevent coal output from expanding rapidly, that is, by the need of undertaking preparatory work, of renewing equipment, of reopening pits and of calling back and retraining workers. Recent experience in France showed how difficult it was to increase coal output at short notice.

The Government of France took an unequivocal stand on the subject of international coal cartels particularly if it was a cartel of colliery owners in the great exporting countries. The State could not tolerate the creation of private economic interests with powers above those of its own and capable of fixing the tonnages to be imported and of the prices at which coal would sell. This did not mean that no cartels should be set up but if they were to be set up, they should be made subordinate at least in vital decisions, to governmental rights and interests in the matter. Cartel agreements by themselves would not suffice, moreover to solve the international coal problem. They might stabilise wages by stabilising prices; but to deal with unemployment, they would have to be supplemented by international agreements made simultaneously, on the length of working hours. Dumping could take the form not only of export subsidies and low freight rates, but also of differences in the length of working hours. It was one of the essential rules of fair play to have almost identical working hours in all countries. If a common front on the reduction of hours of work could be reached by the countries present at this Meeting, they could then turn to Germany and say that an agreement to shorten the hours of coal miners was a preliminary condition of any international coal cartel. It was probable that Germany would admit the justice of such an attitude.

By the laws of France since 1936 the time of presence in the coal mine for underground workers had been limited to 7 hours 45 minutes in the day, and to 38 hours 40 minutes in the week. But no settled conclusions could be drawn from the experience of France as to the effects of a shortened work-week upon the productivity of coal miners. Too many factors had been at play not only the reduction of the work-week, but also a deep-reaching social evolution as well as monetary changes. The introduction of the 40-hour week in France had been inspired by the desire of profiting from technical progress to eliminate unemployment and to permit workers to devote more time to their families and to developing their personalities. In its application to coal miners, the law on the 40-hour week had helped to raise employment in coal mines from 224,000 workers in 1935 to 247,000 at the beginning of 1938. It had been applied to coal mines in such a manner as to reconcile, in large measure the interests of workers and owners, for the system of five working days with almost no change in the length of the shift caused less dead-time than would have resulted from a spreading of hours of work over a six-day week. But facilities were permitted, in case of need, whereby the mines could operate a six-day week. Since 1936 the mine workers of France had not only benefited from a shorter work-week with maintenance of weekly earnings but had also enjoyed two weeks of holidays with pay. These reforms had been carried out notwithstanding the natural difficulties of mining in this country, and the inability of the national collieries to supply their country's full needs of solid fuel. Because of the competition to which French coal was thus made subject the Government was strongly of the view that working hours and holidays with pay should be regulated internationally and made uniform as far as possible between countries. It warmly greeted, in particular the progress toward shorter working days which had been made in the coal-mining industries of the United States of America, Belgium, the Netherlands and Poland, and hoped that the international regulation of hours of work, along the lines proposed by the International Labour Office would be accomplished in the near future. Having shortened hours of work without waiting for interna-

tional action, the Government of France was desirous of maintaining this reform, while ending, at the same time, a *de facto* situation of which both the workers and the employers might be the victims. It therefore called upon the sense of justice of all those present at this Meeting, as well as upon their comprehension of imperative practical necessities, to enter upon the path of international collaboration. At the same time, the Government of France considered that this Meeting would accomplish a useful task and facilitate the adoption of a Convention by a subsequent Conference if, following the proposal of the British Government, it gave its expert technical opinion upon the list of points in Part III of the Report.

The earlier efforts of that country to secure a Convention for regulating hours of work in coal mines were recalled by the *Government delegate of the Netherlands*. Now the Convention of 1931 was a compromise, which, the Netherlands Government considered, would have had good chances of ratification if its revision had not been proposed. Despite the sacrifices which such action would have involved, the Netherlands Government had been ready to ratify the Convention of 1931, provided, however, it had also been ratified by the other countries named in Article 18. Hours of work in the coal mines of the Netherlands had already been reduced by means of collective agreement. At present, there was a 46-hour week made up of 5 days at 8 hours each and a Saturday of 6 hours. In the belief that this Meeting could be useful, the Netherlands Government would follow the discussions carefully and consider very attentively any results to which they might lead.

The *Government delegate of Poland* stressed that his Government was participating in the Meeting because it believed that useful results could be reached. The positive and well-disposed attitude of his country was clearly shown by the actions it had already taken. Although the Convention of 1931 was not as yet ratified by any country where coal mining was a weighty element of the national economy, the Government of Poland had presented to the Diet a draft law on the conditional ratification of that Convention. On the national plane, furthermore, and despite Poland's major status as an exporter of coal, his Government had gone even further than the terms of the 1931 Convention by issuing decrees to reduce the hours of work in coal mines to 7 in the day and to 45 in the week. The Government of Poland regretted deeply that no effective steps toward the international regulation of work hours in coal mining had yet been reached, despite the two Conventions voted at Geneva and in the face of the economic realities and the social necessities of the present. If this situation, which might become intolerable for Poland, should continue, then the present decrees for reducing hours of work in coal mines until 1 January 1940, would constitute an export bonus to the countries whose coal exports competed with those of Poland on the world markets. If no international regulation of the problem were to intervene, his Government might be obliged to consider the question whether the national measures it had taken lent themselves to further application. His Government considered, finally, that the work of the Meeting would lead to concrete results if the discussion of economic problems served to bring out the close ties which exist between these problems and that of limiting hours of work by all of the countries which are large exporters of coal.

From the analysis of the positions taken by the Government delegates it would appear possible to draw some general conclusions

1 None of the Government representatives declared himself opposed, and the majority declared themselves favourable, to a new effort with a view to seeking for the bases of an agreement for the preparation of new international regulations for the reduction of hours of work in coal mines

2 Some delegates, it is true, contemplate without any very great optimism the result of this new effort, particularly in consequence of the absence from the International Labour Organisation of a great European country which plays an important rôle as producer and as exporter of coal

3 Other delegates, those of the States which in the course of recent years have reduced hours of work, insist upon the urgent necessity of a general agreement for the regulation of hours of work in coal mines. Failing such agreement, some of these countries will find themselves obliged either to take measures to defend their coal-mining industry or to reconsider if the reductions effected in the field of hours of work can be maintained

B. — Statements of the Employers' Delegates

At the beginning of the discussion, the representative of the employers' group on the Governing Body recalled that the employers' members of the Governing Body had opposed the calling of the Meeting because they considered that after the non-adoption of the Draft Convention in 1936 such a Meeting was useless. In their view, the situation had not changed to such an extent as to make it possible to contemplate a result different from that reached in 1936. They had therefore considered that the time was not opportune for calling the Meeting. Nevertheless, the employers had loyally come to the Meeting to explain again their point of view. This point of view might to a certain extent have undergone some little modification since the occurrence of certain events. Doubtless the employers' representatives would submit to the Meeting certain points of view on these events, but they wished first of all to know the arguments which had impelled the workers' group and certain Governments to ask for the calling of the Meeting.

The general attitude of the employers' group was expressed on its behalf by the *employers' delegate of the British Empire* who laid

down two fundamental propositions. First, that given the present international difficulties of the coal-mining industry, as well as the absence of Germany in particular from the Meeting, it was useless to explore the possibilities of bringing about an international agreement for the curtailing of hours of work in coal mines. Second, that economic forces were operating upon the coal-mining industry which made it extremely unwise, for the welfare of workers no less than for that of employers, to undertake experiments in the reduction of hours of work in coal mines.

This general statement of the employers' group was later amplified by the employer delegates of particular countries who pointed out the application of these two fundamental principles to their own special circumstances, who made clear their own specific national attitudes toward the problems with which the Meeting was called upon to deal, and who explained some of the social and economic developments which were peculiar to the welfare of miners and owners in the coal-mining industries of their individual countries.

In asserting that the present circumstances of the world's coal-mining industry were such as to rule out the possibility of international measures for the shortening of hours of work, the employers' spokesmen drew particular attention to three outstanding features, among others. First, it was urged that the present period was one of great instability, uncertainty and confusion in the fields of economic, commercial, monetary and financial policy. Until these root causes of the difficulties from which coal mining, along with other industries, was suffering had been removed, it would be premature to think of unifying internationally the labour standards which prevailed in the different countries. So far as coal mining in particular was concerned, the most urgent step to be taken at present was the formulation of international agreements, among the countries engaged in the world coal trade, with a view to regulating output and sales, organising markets and assuring reasonable prices. This was the conclusion that had been reached by all competent students of the world's coal problem, and with that conclusion the employers agreed totally. The need of the moment was not, therefore, to burden coal mining with higher costs of production in the countries which might see fit to ratify an international Convention on the shortening of hours of work but rather to develop on a larger scale the several limited measures which had already been undertaken to organise international coal cartels and to promote further interchanges of views among the producers.

of the countries which were directly concerned in steps of this character. The proper path to a solution of the world's coal problem had already been foreshadowed by such export agreements as that between the colliery owners of Great Britain and Poland and by such cartel mechanisms as that set up to regulate the European trade in coke.

Second, it was by no means true that coal mining was afflicted with a burden of excess capacity and of surplus labour to the relief of which international social policies had to be shaped. On the contrary, during 1937, the world demand for coal had risen so strongly as to cause a severe strain against the productive facilities of coal mines in many countries. Far from there being any large margin of unused mining capacity, all existing facilities were then being put to full use, but this full use of capacity was still insufficient as proved by the runaway prices of coal, to prevent a serious shortage of fuel supply amounting to almost famine proportions. Where, therefore, the great need was to supply enough coal to overcome a shortage of output, it would be disastrous to make the famine more intense by the shortening of hours of work in coal mines. Looking toward the future, it was probable that the demand for coal would continue to increase strongly, at least in the markets which were of practical concern to the producing and exporting countries of Europe. In the light of this probable widening of markets for coal, no measures should be undertaken, which, like the shorter work-week, would tend to diminish the ability of the collieries to supply an adequate amount of output. It had to be kept in mind, also, that the coal-mining industry was one in which the productive capacity had to be adequate to meet seasonal as well as cyclical peaks of demand. What, upon uncritical examination, might appear like excess or surplus capacity, would turn out, upon a closer view, to be nothing more than the presence in coal mining of sufficient facilities to meet the top levels of a volume of demand which was subject to drastic fluctuations because of seasonal factors and because of the extreme variability of industrial consumption.

Third, another conclusive argument against the international shortening of hours of work in coal mines was afforded by the absence from this Meeting of Germany and by the certainty that Germany would not ratify any international Convention that was shaped along the lines that had been urged by the workers. Competition from Germany, where hours of work were already longer than in the other European coal-mining countries, was a critical

factor the full weight of which was being felt by all of its European export competitors. Because of their long hours of work, the German collieries enjoyed a decisive advantage on account of labour costs as compared with the exporting countries where shorter working hours were in force. The importance of this advantage could be seen from the unusually large growth of Germany's coal exports during recent years, as these exports grew, they took away markets which might otherwise have been supplied by shipments from countries where the coal miners were not required to work such long hours. In the light of these facts, it would be a disastrous policy for the countries which were present at this Meeting to burden themselves with international obligations to reduce the hours of work in coal mining. Any such measures would serve only to consolidate the present advantages of Germany on account of labour costs, and to increase Germany's competitive margin well beyond its present magnitude. Output would decline, export shipments would undergo shrinkage, employers would have to suffer serious losses and the mine workers would be burdened with unemployment. Labour reforms of far-reaching international significance could be safely introduced, where it was thought necessary to apply them, only on the condition that they were introduced simultaneously by each and all of the countries concerned in the international network of competition. Because of the impossibility of getting Germany to agree to the shortening of the hours of work of coal miners internationally, it followed that the introduction of such a reform by a limited number of countries would be ruinous to them. The proper inference to be drawn from the absence of Germany at this Meeting, as likewise from the disturbed economic conditions of the time, was that the true formula for meeting the problems of the the world's coal-mining industry consisted of international agreements, among producers, for stabilising competition on the world markets.

Even under more stable and normal conditions, however, the reduction of hours of work in coal mines would be bound to react very harmfully upon the welfare of the mine owners and the mine workers as well as upon that of the consuming public. From the long-run point of view, as much as from that of the short-run, it was essential that coal mining possess adequate facilities to produce up to the limits of the likely volume of demand or else coal famines might very well occur. If, however, hours were to be shortened, then the productive capacity of the collieries would be impaired so seriously as to render the recurrence of periodical coal shortages a

highly likely event. Equally or even more important, the shortening of working hours in coal mines would raise costs of production to heights such that the industrial and domestic demand for coal would be seriously impaired. On the one hand, the present consumers of coal would shift over in large measure to the consumption of other fuels and of water power. On the other hand, the present consumers of coal would be stimulated into making further long advances, to the detriment of total demand, along the path of fuel economies in the use of coal. The experience of certain countries which had shortened the hours of work of coal miners during recent years showed conclusively that the necessary result was a curtailment of demand due to a displacement of coal by other fuels and water power and due also to further progress in fuel economies. This was notably true of the United States. The experience of France in particular was a further warning that shorter hours of work in coal mines would lead not only to an excessive increase of cost of production harmful to the development of demand for coal, but would also impair the productive capacity of collieries and thus render them incapable of satisfying the full volume of demand as it rose toward cyclical peaks.

It was inevitable that shorter working hours in coal mines should result in such a large advance of costs and prices as to have harmful effects upon the volume of demand, and thus, in turn, upon the volume of production and of employment. Labour costs were by far the major element in the total costs of producing coal. Any substantial advance of labour costs was thus bound to reflect itself, and at once, in a sharp rise of selling prices for coal. Because the selling prices in coal mining were so largely governed by the costs of labour, the industry was in a singularly vulnerable position when it came to sustaining the consequences of such fundamental labour reforms as the shorter working week. Its vulnerability with regard to the consequences of cost-raising labour reforms was rendered still more acute by the serious competition that coal was sustaining, and would continue to sustain from competing sources of energy and from the progress of fuel economies. The essential requirement of the coal-mining industry was thus low costs of production.

The mechanisation of coal-mining operations in recent years had been inspired fundamentally by the need of the industry to maintain its costs on a competitive level with those of other fuels and sufficiently low, likewise, to minimise the stimulus to fuel economies. For the industry to compete successfully in the future, the move-

ment toward mechanisation must be allowed to exercise freely its effects upon lower costs of production. But the shortening of hours of work would cancel the beneficial results of mechanisation, and, by raising costs, would deteriorate the competitive status of coal and discourage consumption. Thus the workers themselves would be harmed by the shorter work-week, for any slight gains they might make would be more than offset by the heavy loss of employment arising out of the contraction of demand. It was also reasonable to suppose that under the pressure of the higher labour costs which a reduction of working hours would bring in its train, colliery owners would be forced to take even more recourse to mechanisation than was called for by the need of maintaining coal prices at economic levels. For this reason also, it might well turn out to be the case that the coal miners lost more in employment than they gained from it through a shortening of their hours of work.

In summary, therefore, the employers' spokesmen were generally agreed first, that the time was completely unpropitious, because of economic complications, for undertaking to reduce hours of work by international action, and second, that the abiding economic factors which determined the welfare of the coal-mining industry could not be excluded from any consideration of the possibility of a further shortening of the hours of work for miners.

In addition to developing this broad point of view, held to be internationally valid, and in presenting their national attitudes upon the tasks to be accomplished by this Meeting, the employers' spokesmen made many references to the social and economic factors which bore upon the practicability, for their own national economies, of introducing a shorter work-week on behalf of the coal miners.

It was submitted by the *employers' delegate of Belgium and his technical adviser* that the direct and indirect wages of the mine workers in that country had experienced a particularly marked development during the course of 1937. Although the workers asserted that large numbers of workers occupationally attached to coal mining were unemployed, it had proved extremely difficult for the Belgian colliery owners to obtain a sufficient supply of labour. The colliery owners had already taken recourse in the course of 1936 to all of the unemployed miners registered on the lists of the Placing and Unemployment Office. The reasonable inference was either that these unemployed persons had no desire to return to the mines or that, for various reasons, they were unemployables. As a result Belgium had been compelled to resort to the output of foreign workers for meeting its full needs of coal, both by introducing foreign workers into the national mines and by importing coal that was mined abroad. The reduction of hours of work in Belgian coal mines had been carried through on a rigid basis which shortened each work-day by half an hour and which failed to apply the exceptions contemplated by the Royal decree for maintaining the work day at 8 hours.

in order to cope with the needs of the country. The result was that labour productivity in particular had suffered, as was to be seen by the fact that the fall in man-shift output was strictly proportional to the shortening of the effective hours of work. What was more, the shortening of working hours had not been followed, contrary to possible expectations, by a decline in the rate of unjustified voluntary absenteeism, which was an even more important influence in restricting output capacity than absenteeism on account of sickness. It was further asserted that a critical examination of the available data would show how unfounded was the argument that modern methods of coal mining tended to bring about an increase either in sickness or accidents. Nor, in considering the practicability of reducing hours of work in Belgian coal mines, should it be forgotten that Belgium was the most densely populated country in Europe, that its annual coal consumption exceeded four tons per head and that it had to import, on the average, its food-stuffs and its raw materials for eight months out of the twelve. Now Belgium had the lowest man-shift output and the shortest working day in terms of effective working hours. From the economic viewpoint, this country could not thus remain at the head of the movement.

It was also brought out on behalf of the Belgian employers how necessary it was to reckon with the economic advantages obtained by countries, outside the membership of the International Labour Organisation, which had not only maintained working hours but had even lengthened them. This was particularly important with regard to the possibilities of an international agreement relating to the coal market. The question of the competition of forms of energy other than coal was also dealt with on behalf of the Belgian employers.

The *employers' delegate of the United States* asserted that a substantial rise of mining costs had resulted from the increase of miners' wages and the reduction of hours of work, negotiated by means of collective agreement, during recent years. The outcome of these increased costs had been to slow down the coal-mining industry because of the displacement of coal by such substitute fuels as oil, natural gas, and electricity. In view of the heavy wage increases, running to one hundred per cent, which had already been granted to coal miners, and in view of the financial difficulties which the mines were encountering because of heightened labour costs, the mine owners of the United States were opposed to any further reduction of working hours below 35 hours in the week. On the other hand, they hoped that this Meeting would reach a mutual understanding that would bring about a stability for the industry that would be advantageous to all.

The *employers' delegate of France* declared that the application of the work-week of 38 hours 40 minutes in that country was not the cause of the fall in man-shift output in coal mining that had admittedly taken place. The causes of the drop in productivity, which were many and complex, were independent of the application of the law on the work-week of 38 hours 40 minutes. The fall of productivity had begun before the application of the week of 38 hours 40 minutes, without its being possible to attribute this fall to a sudden shortage of mining equipment.

The French employers' delegate considered, in common with the other employers, that an international agreement on the basis of a work-week of 38 hours 45 minutes was not capable of realisation at present. Under present circumstances, he thought it improbable that Governments would agree to bind themselves by a formal undertaking to the Inter-

national Labour Organisation, even on some other bases. A way out might perhaps be found, however, on the lines of the conclusions of the Office Report, which contained, for instance, the practical suggestion of 11 regular shifts spread out over a working fortnight with a reasonable allowance of extra shifts to be placed at the disposal of undertakings in order to meet fluctuations in demand. The exchange of views during the course of this Meeting would also help to provide Governments with a body of very useful information, which each would have to complete by a thorough study of these complex problems, and on the basis of which they could formulate the decisions which each would have to take for itself.

That he had faith in the work of this Meeting was declared by the *employers' delegate of the Netherlands*. In his view, the Meeting must lead to some positive result in that its members would not separate without formulating a body of guiding lines which would permit the International Labour Conference to find a solution, at least temporarily, of a problem which had concerned the International Labour Organisation for nearly ten years. He was pleased to note the good will on the part of both the employers and the workers and hoped that the discussion of the specific points would prove that the employers and the workers alike of the coal-mining industry realised their economic and social duties both.

With regard to the safety and the health of coal miners in the Netherlands, it was submitted that a distinct improvement had been in progress during recent years. Between 1930 and 1936, a period when the output of underground workers per man-shift was rising from 1,690 to 2,670 kgs., the accident rate had fallen, per one hundred thousand tons raised, from 73 to 40, fatal accidents in particular had declined from a rate of 0.23 to 0.12, the number of workers absent for reasons of sickness had also dropped considerably. As for the average number of workers absent from work each day owing to sickness, the percentage had declined sharply between 1935 and 1937. Comparisons of mortality rates between the whole population of the Netherlands and that of the mining areas, indicated that the status of the mining workers as regards health was favourable. Figures on the retirement of workers because of invalidity showed further that invalidity among mine workers had decreased enormously during the last five years. Despite the small decline of the actual cash wages of Netherlands coal miners between 1931 and 1938, the cost of living had fallen much more than proportionally, so that the real wages of the mine workers were greater than they had been in 1931. On a comparative basis, the wage rates of Netherlands coal miners were the highest of any mining district in Europe save the Ruhr. Despite some fall in the average working force of the Netherlands coal mines between 1930 and 1936, the unemployment figure was very low at present because most of the workers laid off were either foreign nationals or else Netherlands nationals who had reached retirement age.

It was submitted by the *employers' delegate of Poland* that the three economic problems that they had to face concerned marketing, prices, and costs of production. Poland was extremely rich in coal resources, had developed large productive facilities by heavy investments of capital, but if it was to maintain the output capacity of its mines, it had to be provided with foreign markets on a much larger scale than was the case at present. In the want of an economic agreement to which the principal coal-producing countries would be parties, the problem of maintaining

Poland's present markets and of developing additional market possibilities would raise the question of prices, which was to say the question of costs of production. Even if the Polish employers could share the views of the workers as to the social importance of reducing hours of work in coal mines, their main concern would have to be to avoid an increase of costs of production. Attention was drawn to the fact that the real value of the daily wages enjoyed by the families of Polish miners had undergone a considerable increase since 1929, and that this increase had occurred in spite of the fall of output and of prices. It was also stressed that under the highly-developed system of social insurance which characterised the coal-mining industry in Poland, the contributions made by employers averaged between 16 to 17 per cent of the total wage bill, and reached 20 per cent in the Silesian coal fields. This was believed to be the heaviest burden met by the employers of any country for social insurance on account of sickness and old age. The recent social progress in the coal mines of Poland, including reduced hours of work, had laid a very heavy burden on the collieries of that country. Their present economic status was largely influenced by the absence of international commercial agreements and by cut-throat competition in the world markets. In view of these facts, it was doubtful whether Poland would find it possible to maintain its present conditions of work in coal mining, and, more specifically, whether it could continue to keep down hours of work to their present limits. Nevertheless, an enquiry into the economic problems of coal mining might facilitate the solution of certain social questions and create, at the same time, more favourable conditions for coping with the problems which this Meeting had to consider.

It was submitted by the *employers' delegate of Yugoslavia* that this was an essentially agricultural country, where, because the coal mines drew three-fourths of their labour supply from untrained peasants, the collieries were suffering from a lack of skilled labour. Output per man-shift was unusually low in this country, it was further declared, not only because skilled workers were wanting, but also because capital was lacking to provide collieries with modern plant and equipment, while at the same time the lignite deposits that were being worked were of low calorific value. Despite these difficulties, the collieries of Yugoslavia worked an 8-hour day and a 48-hour week in accordance with the terms of the legislation of 1924. Given the unusual length of winding time and of travelling time, the effective time spent at the face did not exceed from 6½ to 7 hours a day. Output was further restricted because of many national and religious holidays, agricultural market days, etc., which did not exist in other coal-mining countries. In the State mines which were working at a full capacity, operations did not average more than 4.9 days of 8 hours each week which would make an average work-week of 39 hours. It would be out of the question, therefore, to contemplate a further reduction of hours of work in the collieries of Yugoslavia until an adequate supply of skilled labour was made available, until the mines were equipped in a suitable manner, and as long as the workers in mines did not feel the need of working more regularly. Moreover, many more important measures for raising the standard of living among Yugoslavian mine workers remained to be put into effect before proposals for shorter hours of work could be entertained. In Yugoslavia the 8-hour working day applied to mines and strict control was assured by the Mines Corps.

C. — Statements of the Workers' Delegates

All of the spokesmen of the workers' group were agreed that the social and economic conditions of coal mining to-day called for the shortening of hours of work internationally. In large part, their arguments were based on the general circumstances, economic and social, asserted to prevail in all countries where coal is mined. In large part, also, their arguments went back to what were held to be the particular characteristics of individual national economies. It would be convenient, therefore, to present separately, first the general arguments held to justify the shortening of hours of work in coal mines in all countries, and then the special arguments held to justify the application of this reform in particular countries.

While admitting the close kinship of the economic to the social among the factors which bear upon the reduction of working hours in coal mines, the spokesmen of the workers' group stressed the special social reasons, which, in their view, justified coal miners in claiming a preferred status among industrial workers as regards the hours of work. The underground toil of the coal miner, it was stated, was unusually laborious, painful, fatiguing and dangerous. By the nature of his work, the underground coal miner was constantly exposed to risks, much greater than in other industrial occupations, of industrial accidents and occupational diseases. Statistics were quoted for a number of countries to show the high frequency of industrial accidents and occupational diseases among coal-mining groups, it was urged that these statistics made clear the unhealthful and dangerous character of the coal miner's daily tasks. Within recent years, it was further argued, the increased use of machines in coal mining together with the speeding up of mining operations, had acted to raise the accident rates in coal mines and to deteriorate the general health of miners. In the interest, therefore, of safety and health, coal miners ought to enjoy shorter working hours, this would not only protect them from all the accidents and all the diseases to which industrial fatigue is an important contributory factor, but would also minimise the period during which coal miners were exposed to the unavoidable risks and hazards of their daily toil.

The existence, in certain countries, of a large mass of permanently unemployed coal miners was stressed as another major reason of social weight for reducing the hours of work. In other industries, when employment opportunities were restricted by the

shrinkage of demand, the workers might in the course of time find new occupations or migrate to other regions. But in coal mining there were special obstacles which effectively blocked any such occupational or regional readjustments on a large scale. Coal miners were highly skilled and highly specialised workers; their great economic asset lay in their mastership over one particular craft. Thus, when employment opportunities in coal mining contracted, the contraction of the skilled labour force occupationally attached to the industry was much less than proportional. To re-employ the skilled mining workers who now found themselves facing the prospect of permanent unemployment, there was only one adequate solution: the shortening of hours of work. It was all the more imperative to apply this solution in that many of the unemployed miners were middle-aged men with substantial family responsibilities who, when approaching the age of 55 or even 59 years, found that under the present regime of working hours the industry was tending to close its doors against them. It was likewise imperative that the shorter work-week be applied at once: for the rising trend of mechanisation, particularly in the development of mechanical loading appliances, seemed to point toward a very considerable expansion of technological unemployment among coal miners in the years to come.

In the large volume of existing technological unemployment caused by the increased use of machines in the recent past, the spokesmen of the workers' group saw another reason, of mixed social and economic character, why coal miners should be placed under a favourable regime of hours of work. Attention was drawn to the rapid advance of coal mining in many countries to virtually a complete mechanisation of cutting and levelling. Attention was likewise drawn to the rapid advances already made, and to the likelihood of still more rapid progress in the near future, in the use of machinery for the loading of coal. Statistics were advanced to show that in all countries the productivity of coal miners, particularly of underground workers, had been rising, without a noteworthy break, to ever higher levels. This expansion of output per man-shift and per man-day had taken on particularly large dimensions since 1929. Given the sharp fall in the demand for coal, for which the world depression had been primarily responsible, the inevitable effect was to engender an ever greater mass of technological unemployment. The repercussions of the technological factor upon the unemployment of coal miners could be seen by the fact that, in many countries, partial and full unemployment was

widespread even to-day—despite, on the one hand, the temporary upsurge of industrial activity in 1936-1937 and the rearmament boom of that period, and despite, on the other, the considerable contraction of the labour force occupationally attached to coal mining over the course of the past decade

It was the mechanisation of mining which was largely responsible for coal mining's present status as an industry of excess capacity, with a large quota of idle productive facilities capable of producing more coal than the market was willing and able to consume. But where mechanisation expressed itself, on the side of plant and equipment, in an excess of productive facilities, it likewise expressed itself on the side of labour, and given the hours of work which now were in force, in a surplus of labour supply. To bring all that idle labour back into useful employment, to provide all these unemployed workers with an adequate livelihood, to place purchasing power in the hands of those who had none or little of it at present, the shortening of the work-week was the remedy best to the point.

The spokesmen of the workers' group took pains to explain that, far from opposing mechanisation, they welcomed it, to the extent that workers received an equitable share of the benefits and advantages deriving therefrom. Socially speaking, mechanisation lightened the coal miner's toil, an end desirable in itself, and also protected him from the accidents and diseases which could be attributed to industrial fatigue. Economically speaking, mechanisation lowered the cost of production by increasing output per manshift or per man-hour. It thus helped to maintain or enlarge the markets for coal by protecting this solid fuel against the competition of oil, natural gas and water power, and by minimising the incentive for coal consumers to explore new ways and means of augmenting fuel economies in the consumption of coal. But it was altogether unjust and unreasonable to shut out the workers from the benefits of mechanisation by allowing all of its advantages to accrue to mine owners exclusively in the form of larger profits or to coal consumers exclusively in the form of lower prices. In demanding a shorter work-week, the coal miners were therefore demanding nothing more than that they be permitted to share in the benefits and advantages which the progress of technical efficiency had made possible. If mechanisation under the regime of working hours prevailing up to now, had been responsible for the growth of technological unemployment it likewise bore within it the seeds of great advances in the working conditions of coal miners. But, for the fruition of these possibilities, shorter working hours

was the indispensable preliminary condition. This reform was the only measure adequate to the task of eliminating the surplus of labour in an industry where the interplay of supply and demand factors had brought about a state of over-capacity.

It was denied by the spokesmen of the workers that the introduction of shorter working hours would raise the cost of mining coal in such a manner as to cause a displacement of demand from coal to other forms of energy or as to stimulate considerable fuel economies in the consumption of coal. On the one hand, the trend was running so strongly in favour of further mechanisation that the shortening of hours of work would very soon be compensated by increased output per man-shift, the latter movement would go on in any event, even if working hours were not reduced. The temporary fall of productivity that had been observed in certain countries following the introduction of a shorter work-week for coal miners was entirely owing to special factors which had nothing to do with the shorter work-week. On the other hand, although labour costs were admittedly the principal factor in the total costs of mining coal, there were very large spreads between the cost of coal at the mine and its delivered price to final consumers. These spreads between mining costs and delivered prices were the result of transportation and handling charges, the costs of wholesale and retail distribution, the profit margins of dealers in coal, etc. It followed that a rise, if any, in the costs of mining coal as a consequence of the reduction of hours of work, would exercise a strictly limited effect upon the real price of coal to the real consumers of that fuel.

It was a mistaken point of view, the spokesmen of the workers' group urged further, to argue that the necessity of competition in the international coal trade ruled out the practicability of a reduction of working hours in coal mines on the part of the countries represented at this Meeting. It was clear, on the contrary, that the shorter work-week was an essential labour reform to which the actual state of affairs in the international coal trade lent the possibilities of practical and immediate application.

First, to the extent that differences of labour costs in mining were of any weight in the competition between coal-exporting countries, these differences affected what was, after all, only a minor share of production or consumption of coal. Foreign trade in coal was responsible for no more than a tenth of the total coal trade, domestic and foreign. Second, differences of labour costs in mining were of restricted importance in determining the prices at which the various

exporting countries supplied solid fuel to the several importing markets. This was the consequence, in the foreign no less than in the domestic trade, of the many transportation, handling and distribution charges retail and wholesale profit margins, etc., which served to create wide spreads between coal prices at the mine and coal prices to final consumers. Third, differences between countries in the costs of mining coal had very little to do, in actual fact, with determining which exporters should supply coal to which importers, and just what tonnages were going to be supplied. The movements of coal between exporting and importing countries in Europe were governed only to a very minor extent by divergencies in national costs of production. The important governing factors were preferential trade treaties (covering a host of commodities other than and as well as coal), clearing agreements, quota limitations and cartel arrangements such as, for example, the European coke cartel. All of the European countries were deeply involved, as exporters or as importers of coal, in this network of trade treaties, clearing agreements, quota systems and cartel arrangements. In addition to all this, political factors as well as military alliances in certain cases played a large rôle in determining the movements of coal and the quantities of coal moving in the European coal trade.

It was completely mistaken, therefore, to assume that the absence of certain countries, particularly Germany, from this Meeting, and the probability that they would not ratify an international Convention to shorten hours of work in coal mines, constituted a genuine barrier to positive action here and now. While it was true that hours of work in Germany's coal mines were longer than the corresponding hours in other countries, it was not for this reason that Germany's coal exports had enjoyed a large advance during recent years. The causes of this advance were, instead, the same complex of commercial, monetary, political and military factors which explained why, in general, the buying and selling of coal in the European coal trade was largely dissociated from the differences of mining costs between the various exporting countries. Thus, the countries which belonged to the International Labour Organisation had a perfectly free hand to proceed at once with the introduction of essential labour reforms in coal mining, and need have no fear that the application of such measures would handicap them in their competition with Germany or with any other countries that stayed outside of the international agreement to reduce the hours of work.

On the social plane, moreover, it was intolerable that the conditions of coal miners in other European countries should be governed by the conditions prevailing among the workers who were subject to what was characterised as Germany's dictatorial regime. The fundamental purpose of the International Labour Organisation was, after all, to prevent and eliminate the practices condemned as social dumping; that is, competition arising out of differences in hours of labour, wage rates, and other working conditions. The aim should therefore be to raise labour standards as far as possible to the best prevailing standards of the socially advanced countries. This meant that the prevention of social dumping was to be achieved by an equalisation and a unification of working standards in the different countries. But the workers of the socially advanced countries certainly did not intend to allow a deterioration of their labour standards to the levels of the less advanced countries. In this connection the logical inference which flowed from the employers' argument relating to the absence of Germany from the International Labour Organisation was that hours of work in other European countries should be lengthened to the 9 hours a day said to obtain in Germany. Because they rejected the economic premises which underlay the employers' argument, the workers also rejected the inferences which were to be drawn from these premises. And, in any event, moreover, the workers had no intention whatever of surrendering, because of inferior labour standards in Germany or elsewhere, such advances toward better working conditions as they had already achieved by the dint of long struggle.

The employers were further mistaken, the spokesmen of the workers' group urged, when they argued that the true solution of the world coal problem lay in the establishment of international coal cartels. International cartels might have some merits in that they served to stabilise competition and prices, although considerable precautions would always have to be taken to guard against their developing into harmful private monopolies of producers and exporters. Be this as it may, it was a fact that international cartels failed to strike at the root of the world coal problem. The fundamentals of that problem were constituted by the co-existence of excess capacity in plant and equipment and of a surplus labour force suffering from tendencies to permanent unemployment for technological and other reasons. The formation of cartels concerned with the regulation of output, sales and prices would accomplish by itself nothing toward the problem of finding

out that the highest man-shift output was reached by mine workers in the best-paid regions, and the lowest by mine workers in the worst-paid regions. Thus labour costs per ton were said to vary inversely with the wages paid to coal miners.

The workers' delegate of France denied that the introduction of the shorter work-week had been a contributory factor to the recent fall of productivity among coal miners. This fall of man-shift output was due to the failure to maintain plant and equipment during the depression and the necessity of hiring new and untrained workers when recovery set in. The factors which justified the earlier demands of the workers for shortened hours—increased mechanisation, reduced volume of employment, increased output, sickness and invalidity—were held to be just as operative internationally to-day as they ever had been in the past, for the recovery of mining production had brought only limited benefits to the coal miners. As for international cartels, the French miners could be interested in them only if they were negotiated openly, submitted to Governments, and placed under the control of the League of Nations.

The workers' delegate of the British Empire and his technical advisers urged that the existence of a considerable mass of unemployment in the collieries of that country, particularly those of South Wales, was a complete refutation of the argument that coal mining was not at present burdened down with an excess of productive capacity. Attention was also drawn to the remarkable increase in the profits of British colliery owners during recent years—from 6,26d. per ton in 1935 to 1s. 2,76d. per ton in 1937—as compared with the limited rise of wages and earnings. This expansion of average profits per ton was held to demonstrate the financial capacity of British collieries to meet the cost burdens, such as they might be, of a shorter working day. It was also asserted that under the system of determining wages in British coal mines by the ascertainment of profit margins, the workers themselves had paid for about 85 per cent. of the benefits rendered to them under the operation of the Miners' Welfare Fund. In Great Britain, as in other countries, it was further stated, output per man-shift had experienced a strong rise, while accident rates rose as the work-shift was lengthened and fell as the length of the work-shift was shortened.

The workers' delegate of the Netherlands pointed out that the relative lack of unemployment in that country was owing in part to the dismissal of foreign workers and in part to the fact that the younger generation, which could not find employment in coal mines, was not included in the unemployment registers of that trade. The Netherlands workers' delegate confirmed the data brought forward by the employers' delegate of his country relative to the situation of the national coal-mining industry. It was true that the conditions of work were better in the Netherlands than in other countries and that the working hours in the Netherlands had been, until a few years ago, shorter than those applied elsewhere. Despite the shortness of the working hours in Netherlands coal mines, man-shift output reached higher levels there than were registered in other countries. The Netherlands workers' delegate thanked the employers' delegate of his country for the latter's offer of collaboration and for his appeal to the good will of all, and made for his own part an appeal to the Meeting on behalf of the young unemployed to whom the future seemed closed.

III. — EXAMINATION OF POINTS SUBMITTED TO THE MEETING

In section D of Part III of the Report, the Office had drawn the attention of the Meeting to a number of points connected with any future regulations for the reduction of hours of work in coal mines which, in its view, required re-examination, either because the solutions previously arrived at appeared to be capable of improvement or because the points concerned related to new problems

Before the Meeting proceeded to consider these points, the representative of the employers' group on the Governing Body recalled that the Meeting, convened by the Governing Body, was of an advisory nature. It had not only the right but the duty to examine the questions submitted to it by the Office. The result of its examination would be embodied in the report of the Meeting to be submitted to the Governing Body.

During the examination of the first of the points submitted by the Office, differences of opinion arose as to the procedure to be adopted. The question was raised as to whether the Meeting had the right to modify the form of the questions before it and to discuss the replies to be made to these questions. A further question was raised as to whether the Meeting could or should vote on questions either of form or of substance. Following a lengthy discussion, the Meeting ultimately decided to refer these problems of procedure to its Officers.

In accordance with the recommendations of its Officers, the Meeting unanimously resolved to consider successively each of the points figuring in the Office report. It was decided that any delegate might propose amendments or additions to the text of the questions, explain such amendments and even indicate the replies he would wish to have made to the questions asked. It was also agreed that no votes should be taken.

The report of the Meeting to the Governing Body would reproduce the proposals made and summarise the views expressed and the arguments put forward.

1 *Nature of the Convention*

In its report the Office raised the question whether the proposed international regulations should take the form of a special Convention for the reduction of hours of work in coal mines, or be included in a general Convention also covering coal mines

In this connection, the Office proposed the following question

Should the international regulations concerning the reduction of hours of work in coal mines take the form of a special Convention or be included in a Convention applying to industry in general ?

The *Government delegates of the United States of America and of France*, and the *French workers' delegate* speaking on behalf of the workers' group, expressed a preference for a special international Convention for coal mines

The *French workers' delegate*, voicing the opinion of his group, pointed out that in all countries miners had always been covered by special schemes, and that a special Convention was essential in view of the problems peculiar to the regulation of hours of work in mines. Accordingly, the workers' group considered that the question should be framed as follows

Should the international regulations concerning the reduction of hours of work in coal mines take the form of a special Convention ?

2 *Limits of the Daily and Weekly Hours spent in the Mine*

The fixing of the daily or weekly number of hours of work is the central point of all regulations concerning hours of work

In its report, the Office referred to the fact that the proposed Draft Convention prepared in 1936 fixed the working day at $7\frac{3}{4}$ and the working week at $38\frac{3}{4}$ hours, but it also pointed out that proposals for an 8-hour day and 40-hour week were made when the proposed Draft Convention was discussed. Although the competent Committee did not retain these proposals for further consideration in 1936, the Office suggested that the Governments should be consulted once more in regard to them. It also considered it desirable to provide for the possibility of making any other proposals

The Office accordingly drafted the question concerning the limits of the daily and weekly hours spent in the mine as follows

What are the daily and weekly hours on which it would seem possible to reach an agreement

$7\frac{3}{4}$ hours a day and $38\frac{3}{4}$ hours a week, or 8 hours a day and 40 hours a week, or other hours ?

The *Belgian Government delegate* observed that it might be inferred from the manner in which the question was framed that the number

of working days in the week would always be five. He pointed out that under the French system the 5-day week was normally worked, but that a 6-day week was possible since making up of lost time was allowed. In the latter case, the week of $38\frac{3}{4}$ hours was calculated as an average. The Belgian Act of 1936 provided that hours of work might be reduced to 40 in the week in dangerous, trying, or unhealthy industries or sections of industries. Accordingly, hours of work in Belgian mines were at present 45 in the week and $7\frac{1}{2}$ in the day. On the other hand, the Belgian Government stated in reply to the questionnaire sent out by the International Labour Office in 1936 that it was in favour of a 40-hour week and a 7-hour day. It was for these reasons that the Belgian Government asked that the possibility of calculating hours of work as an average over a number of weeks should be considered.

Following this speech, the *Belgian Government adviser* gave the Meeting a detailed account of the systems worked out by the Belgian Office of Mines showing the methods contemplated by the Office for calculating average hours of work. In describing this system, the speaker drew the attention of the Meeting in particular to the value of a combination of 5-day and 6-day weeks as a method of securing an average working week of, for example, 40, 42 or 45 hours, with a working day of 7, $7\frac{1}{2}$, $7\frac{3}{4}$ or 8 hours. Various systems contemplated aimed at concentrating hours of work on a smaller number of days. This had two results: the reduction of the relative travelling time underground, with a consequent increase in the hours of actual work at the coal face, and an increase in the amount of spare time accumulated on entirely free days. In conclusion, he stressed the value of a working week calculated as an average and the advisability of providing for the possibility of fixing an average working week to be calculated over a period composed of 6-day and 5-day weeks.

With this object in view, he proposed the following amendment to the question as drafted by the Office:

Limit of the daily and weekly hours spent in the mine:

a. Daily time:

- (a) Limitation of daily time spent in the mine, for any worker, to $38\frac{3}{4}$ hours
- (b) Other limits.

b. Weekly time:

- (a) Limitation of weekly time spent in the mine, for any worker, to $38\frac{3}{4}$ hours.
- (b) Limitation to 40 hours as an average, calculated over a period consisting of 6-day weeks and 5-day weeks
- (c) Other limits

The *Polish Government adviser*, on behalf of the Polish Delegation, proposed that the Meeting should either delete the two limits suggested under point 2 as drafted by the Office, or add a third limit of $7\frac{1}{2}$ hours in the day and 45 hours in the week. In the view of the Polish Government delegation the latter limit, which represents the hours at present worked in two countries, would have the best chance of being adopted as an international standard. The speaker also stated that the Polish Government was desirous of securing a real reduction in daily hours of work and could not accept any scheme based on a 5-day week.

The *French Government substitute delegate* supported the proposal of the Belgian Government delegate, stating that the 5-day week had appeared to be the best system for the French coal-mining industry. Although in particular cases a 6-day week might be necessary for technical reasons, it was generally recognised that the 5-day week was the most economical system for reducing hours of work. From the social standpoint, it was quite impossible for France to go back on the 5-day week. If, therefore, a compromise could be found which would secure agreement with the delegations from other countries, it would only be on the basis of a succession of 5-day and 6-day weeks. Such a system would not prevent any other country from keeping to the 6-day week, but at the same time it would leave the door open to other interesting combinations.

The *French workers' delegate* stated on behalf of the workers' group that the miners adhered firmly to the principle of a $7\frac{3}{4}$ hour day. They considered that the facts had proved that the reduction of hours to $38\frac{3}{4}$ in the week did not have the disastrous consequences on which such great stress had been laid by the employers' representatives.

With regard to the amendment proposed by the Belgian Government delegate, the workers' group emphasised the value and necessity of fixing an exact limit to daily hours of work, and accordingly regarded it as essential that the question of the daily limit of hours of work should figure among the recommendations to be submitted to the Governing Body.

The *Netherlands Government adviser* stated that if the proposed Convention were to contain some such provision as was suggested by the Polish Government delegation ($7\frac{1}{2}$ hours in the day and 45 hours in the week), his country would have to ask that provision be made for making good hours worked short of $7\frac{1}{2}$ on any one day—for instance, hours lost on Saturday.

The *United States workers' delegate*, as the representative of 600,000 Union coal miners in America, declared that he joined wholeheartedly in the efforts to shorten and equalise hours of work in coal mines throughout the world, but that American workers reserved the right to continue their own efforts to secure a 5-day week and a 6-hour day regardless of the action or opinion of the Tripartite Meeting. The same reservation applied to the other points under discussion.

3 *Gradual Application of the Regulations*

The Office had suggested in its report that provision might be made for the gradual reduction of hours of work in coal mines where an immediate application of the $38\frac{3}{4}$ -hour week in full would meet with serious difficulties.

Accordingly, the Office had proposed the establishment, for a period to be decided, of a transitional scheme providing for eleven $7\frac{3}{4}$ -hour shifts in each fortnight, six shifts being worked in the first week and five shifts in the following one. Its proposals were framed as follows:

If the immediate application of the $38\frac{3}{4}$ -hour week proved difficult, would it be desirable to make provision for a transitional

scheme, lasting 2 to 4 years, on the basis of weekly hours ranging from $38\frac{3}{4}$ (5 shifts of $7\frac{3}{4}$ hours each weekly) to $46\frac{1}{2}$ (6 shifts of $7\frac{3}{4}$ hours each weekly) as, for example, a system of 11 shifts of $7\frac{3}{4}$ hours each per fortnight, of which 6 shifts would be worked one week and 5 the next⁵

The application of the transitional scheme would be left to the discretion of the competent national authority and might cover all coal mines in the country or certain categories of mines or certain mining districts

The *Belgian Government delegate* proposed to amend the Office text as follows.

(a) If the immediate application of the $38\frac{3}{4}$ -hour week or the 40-hour week proved difficult, a transitional scheme, lasting 2 to 4 years, on the basis of weekly hours ranging from $38\frac{3}{4}$ or 40 hours (5 shifts of $7\frac{3}{4}$ or 8 hours each weekly) to $46\frac{1}{2}$ or 48 (6 shifts of $7\frac{3}{4}$ or 8 hours each weekly), as for example, a system of 11 shifts of $7\frac{3}{4}$ or 8 hours each fortnight, of which 6 shifts would be worked one week and 5 the next

(b) Other transitional schemes consisting of either a reduction of the daily time spent in the mine, or the elimination of days of work, or a combination of the two systems

The *Belgian Government adviser* pointed out that as the Belgian Government had previously supported the adoption of a 40-hour week, provision should logically be made, under point 3, for the alternative of a 40-hour week alongside the $38\frac{3}{4}$ -hour week proposed by the Office. He further observed that paragraph (b) of his amendment made provision for various transitional schemes based on different combinations of the two methods of the reduction of daily hours and the reduction of the number of days worked

The *United States Government delegate* stated that there was at present no Federal law in the United States limiting hours of work in coal mines, but that general legislation aiming at the setting of maximum hours of work and minimum rates of pay was pending in the American Congress. Hours of work in the bituminous coal industry in the United States of America were fixed by collective agreement at 7 in the day and 35 in the week, but in practice the number of hours actually worked was less than the number provided for in the collective agreement; miners (hewers) and loaders in 1936 worked on the average 35.3 hours or 36 hours inclusive of the lunch period and of travel time.

He would regret to see any interruption in the tendency towards the adoption of a 5-day week such as might result from the acceptance of the Belgian Government adviser's proposal

The *French Government substitute delegate* submitted a proposal which he pointed out, represented a considerable effort to facilitate the general adoption of an agreed text. His proposal consisted in substituting for the words "2 to 4 years" in paragraph (a) of the amendment suggested by the Belgian Government delegate, the words "2 years". and in suggesting, instead of the scheme provided for in the rest of the paragraph, an arrangement consisting of eleven $7\frac{3}{4}$ -hour shifts in the fortnight, six shifts being worked in the first week and five in the following week, or a system of six 7-hour shifts in the week. The solution proposed

by the French Government thus consisted in the adoption of a 42-hour week as an average as a transitional and temporary measure

The *French workers' delegate* declared that the workers' group was firmly attached to the figure of 38¾ hours, but that in order to give fresh proof of their conciliatory attitude and of their desire for the success of a Convention applying to the coal-mining industry, he was prepared to accept the proposal made in the name of the French Government

The *delegate of the United States Government*, while noting that the proposal mainly affected the European coal-mining industry, recorded his opinion that the conciliatory attitude of the Government and workers' delegates of France deserved the approbation of the Meeting

4 *Making up Lost Time*

The Office provided for the possibility of making up for shifts lost in case of collective stoppages resulting from various causes and to this end suggested putting the following question

Should provision be made in the international regulations for making up shifts lost through collective stoppages due to public or local holidays, accidents, etc ?

If so, within what period should lost time be made up and what should be the maximum possible extension (of hours or of shifts) for this purpose ?

The *Polish Government substitute delegate* stated his opposition to the principle of making up lost time Nevertheless, in order to allow for the special position of each country and the desire to arrive at international regulations concerning hours of work in coal mines, the Polish Government would not object to the proposed system for making up of lost time

The *French Government substitute delegate* made clear that the French regulations are entirely based on the proposed Draft Convention discussed by the International Labour Organisation in 1936, and that this is especially the case in regard to the making up of shifts lost by collective stoppages resulting from public holidays or accidental interruptions of work Up to the present time the system of making up lost time has worked quite satisfactorily The French Government therefore agreed that the question of making up lost time should be included in the recommendations made to the Governing Body

The *Belgian workers' delegate* stated that the formula described in the detailed statement made by the Belgian Government adviser in fact implied the making up of time lost because of holidays

5 *Work on Sundays and Public Holidays*

The 1931 Convention on hours of work in coal mines, revised in 1935, limits only daily hours of work, but it generally prohibits work in mines on Sundays and holidays and regulates the essential tasks which may be carried out on these days It is questionable

whether these provisions would be necessary in a Convention limiting weekly hours of work. For this reason the Office raised the following question

Is it necessary to stipulate in the Convention that work on Sundays and public holidays is prohibited, and as a corollary, to regulate the work that may be performed on such days ?

If so, are the provisions of the Draft Convention of 1935 satisfactory ?

The *French workers' delegate* recalled the difficulties that had arisen in regard to the prohibition of Sunday work, difficulties which had made necessary the revision of the Convention. The technical questions in this regard were thus finally solved

6 *Extensions for Technical Reasons*

The solutions found in the Draft Convention of 1935 as well as in the proposed Draft Convention drawn up in 1936 in regard to extensions for technical reasons not having been entirely satisfactory to certain Governments, the Office had thought it advisable to submit them to a further examination. It therefore suggested the following questions

(a) Is it possible to limit more strictly than was done in the Draft Convention of 1935 and than was indicated in the proposed Draft Convention of 1936 the extensions authorised for certain classes of workers employed on continuous operations or on preparing and terminating work ?

If so, what limits might be laid down ?

(b) Is it necessary to make provision for extensions for technical reasons other than those included in the Draft Convention of 1935 ?

If so, what might these exceptions be, and what should be the limits of the extensions in each case ?

The *French Government substitute* delegate indicated in this connection that the French regulations contain provisions for extensions for technical reasons similar to the provisions appearing in the Draft Conventions discussed by the Conference. It had been necessary to provide for special extensions in the case of mines subject to sudden outbursts of gas

7 *Overtime placed at the Disposal of Undertakings*

The question of overtime is, after that of determining the figures for hours of work, one of the most important raised in regulating the hours of work. The Office wondered if it would not be necessary to make the proposed international regulations more flexible by providing a larger credit of overtime than that fixed in the Conven-

tion of 1931, revised in 1935 (60 hours per week) To this end it suggested the following question

(a) Is it desirable to provide a larger quota of overtime than that specified in the Conventions of 1931 and 1935 ?

(b) If a supplementary quota of overtime is added to that provided in the existing Conventions, is it desirable

to make the utilisation of such overtime subject to special formalities, such as an agreement between the parties concerned, or

to grant the supplementary quota during a transitional period only ?

(c) Is it desirable for practical reasons to fix the number of hours of overtime authorised for workers below the surface in underground mines at a multiple of $7\frac{3}{4}$ hours so that it will correspond to an exact number of shifts ?

The *Belgian Government adviser* pointed out that the range of the possible daily limitations having been extended, it would be necessary to complete the text of paragraph (c) as proposed by the Office by adding after " $7\frac{3}{4}$ hours" the words "or of other daily limits"

The *French employers' delegate* recalled what he had said in the general discussion to show that the demand for coal fluctuates according to the business cycle or seasonally whereas the system contemplated provides for constant regular hours of work. It is nevertheless necessary that the mine be able to satisfy the needs of the market. It would therefore be well to seek the necessary flexibility by granting either an overtime credit in hours or in shifts. If no such flexibility existed there might be serious social consequences resulting from the fluctuation of employment which must be increased in the periods when the demand for coal increased and reduced in a period of crisis. It is, however, necessary that a certain credit of overtime should be at the free disposal of the undertakings. The Office, in its report, suggested this solution in providing a global credit to be divided into two parts: the first to be immediately at the disposal of the undertakings in accordance with the economic needs of the moment while the second corresponded to needs of a national character of which the Government was judge. Decisions regarding the use of overtime left to the Government's discretion were not always taken in good time. The speaker therefore emphasised the advantage to Governments of a careful examination of the question of extra shifts, and pointed out the practical value of leaving a certain quota of overtime freely at the disposal of undertakings.

The *French workers' delegate*, speaking on behalf of the workers' group, said that the size of the overtime quota at the disposal of Governments in view of national needs must be exactly defined, otherwise the proposed Convention might be rendered illusory.

The *United States Government delegate* pointed out that the method of calculating hours practised in his country was different from that obtaining in Europe, and expressed the hope that this position would be taken into account when the Convention was being drafted.

8 *Utilisation of Collective Agreements for the Application of the International Regulations*

No observation was made on the proposals of the Office

9 *Surface Workers of Underground Mines*

The Draft Conventions of 1931 and 1935 (Revised) applied in regard to underground mines exclusively to persons employed on underground work. In 1936, the Government of the United States of America requested that the scope of the regulations concerning hours of work in coal mines be extended to cover surface workers of underground mines, but at the competent Committee of the Conference, in face of differences of opinion on this subject, the representative of the United States Government did not insist on insertion of this point. Nevertheless he pointed out that this was a problem which should be examined by the International Labour Organisation and that the question of limiting the hours of work of surface workers would have to be reconsidered later.

The Office accordingly suggested that Governments should be consulted on the following questions:

(a) Is it possible to apply an identical hours of work scheme to the surface workers of underground coal mines and to industrial workers in general ?

(b) Is it preferable to include the surface workers of underground mines in a Convention covering industry in general, or in a special Convention for coal mines ?

(c) If surface workers of underground mines were included in the Convention concerning coal mines, how should the distinction be made between the workers covered by the regulations concerning coal mines and those covered by the regulations concerning other industrial undertakings ? In particular, what solution should be adopted for the problem of the staff of ancillary establishments, and if such establishments were not included along with coal mines, how could the discrimination be made between workers employed in the mining undertaking proper and those employed in ancillary establishments ?

(d) Should the staff to be excluded be determined according to the formula used for underground workers—exclusion of persons engaged in supervision or management who do not ordinarily perform manual work—or should some other formula be used, such as that adopted in the Draft Convention (1937) concerning the reduction of hours of work in the textile industry: exclusion of persons who by reason of their special responsibilities are not subjected to the normal rules concerning hours of work ?

(e) Would the scheme laid down in the proposed Draft Convention of 1936 for the workers in open coal mines be satisfactory for the surface workers of underground mines ? Under this scheme

the hours of work would not exceed $38\frac{3}{4}$ in the week, but they could be extended by the competent authority, after consulting the organisations of employers and workers concerned, to 40 hours in the week with a quota of 200 hours of overtime, of which 100 could be worked only in the case of special requirements and by collective agreements

The *French workers' delegate*, speaking on behalf of the workers' group, expressed the wish that surface workers should not be excluded from the scope of the special Convention for underground mines, at least special provisions should be laid down for them

The *United States Government delegate* subscribed to the desire expressed by the workers' group, and requested that, when the Governing Body was dealing with surface workers, it should take account of the situation in the United States, where these workers are covered by the same collective agreements as underground workers

The *United States workers' delegate* drew attention to the fact that according to the practice in his country surface workers had according to collective agreements the same hours of work as underground workers, and hoped that the Governing Body would bear this special situation in mind

10 *Workers in open mines*

In the course of the discussion of point 9, the *workers' delegate of the United States* asserted that the system of collective contracts in his country covered not only surface workers in underground mines but also all workers in open pit mines. The Governing Body, he urged, should bear these facts in mind. His remarks were supported by the *Government and employers' delegates of the United States*

11 *Special Schemes for Certain Countries*

12 *Coming into Force and Duration of the Convention*

13 *Revision of the Convention*

No observation was made on the Office proposals for points 11, 12 and 13

Draft Resolution

Having finished its examination of the points submitted to it the Meeting proceeded to examine the following draft resolution presented by the Government delegates of the following countries:

United States of America, Belgium, British Empire, Chile, France, Netherlands, Poland.

The Technical Tripartite Meeting on the Coal-Mining Industry

1 Taking account of the fact that the question of the reduction of hours of work in coal mines figures on the agenda of the June 1938 Session of the International Labour Conference as part of the item concerning the generalisation of the reduction of hours of work,

2 Notes that the proceedings of the present Tripartite Meeting have provided the Office with all the information and opinions necessary for drafting a questionnaire with a view to the consultation of Governments on the reduction of hours of work in coal mines,

3 Records its belief that a discussion of the question of the reduction of hours of work in coal mines, as a first discussion at the June 1938 Session of the International Labour Conference appears unnecessary,

4 Expresses the opinion that, for the continuation of the work it would be desirable to provide for the placing of the question of the reduction of hours of work in coal mines on the agenda of the 1939 Session of the International Labour Conference as a separate item and with a view to final discussion.

Only the fourth paragraph of this draft gave rise to any discussion

The *British Employers' delegate* speaking on behalf of the employers' representatives at the Meeting, and the *representative of the employers' group of the Governing Body* maintained that this was a matter which was not within the competence of the Meeting but rather one for the International Labour Conference in June 1938 to deal with. The views of the employers' representatives on the matters which were referred to the tripartite meeting by the Governing Body had been fully stated in the course of the discussion and would be recorded in the report. Their observations on the resolution must therefore be limited to saying that they felt it was one which was outside their competence.

The *Deputy Secretary-General of the Meeting*, viewing the matter from the practical standpoint, stressed the great value of the suggestion contained in the fourth paragraph of the draft resolution. He called to mind the fact that the agenda of the Session of the International Labour Conference of June 1938 contains the question of the generalisation of the reduction of hours of work and that this question embodies numerous forms of employment—industry, commerce, offices, railways, inland navigation, coal mines, further, that, in accordance with the Constitution of the Organisation, each delegate is entitled to not more than two advisers for each question on the agenda and that in all probability most of the national delegations would not include advisers either from Government Mines Departments or from associations of mine-owners or from mine-workers unions. There was thus a risk that the question of hours of work in mines would be discussed without representatives of the mining industry. The draft resolution contained a suggestion which would enable the Governing Body and the Conference to surmount this serious difficulty.

The *representative of the employers' group of the Governing Body* particularly urged that the Governing Body had summoned the experts present with a view to obtaining an expression of expert opinion on the possibilities of reducing hours of work in coal mines, in so far as the Meeting expressed opinions of this sort it was not only within its rights but was simply doing its duty. On the other hand, if the Meeting were to do anything but give a technical opinion on a technical question, and if in particular it were to make a statement on the point of procedure, which it was for the Governing Body and the Conference alone to settle, it would be exceeding its own terms of reference.

The representative of the employers' group of the Governing Body also pointed out that though the application of the rules laid down by the Constitution of the International Labour Organisation, and in particular the appointment of a maximum of two advisers to each delegate for each question on the Conference agenda, was likely to prevent adequate representation of the mining industry, that industry would certainly not be the only one unfavourably treated in the discussion on the generalisation of the reduction of hours of work, for this discussion would cover not only coal mines but also industry in general, commerce, railways, inland waterways and air transport, and clearly there could be no question of having specially competent advisers on each of these subjects, nor could the employers' group be held responsible for a situation the probability of which it had already pointed out on certain occasions in the Governing Body.

The *Legal Adviser to the International Labour Office* explained that the terms of reference had been laid down in terms so general as absolutely to permit the expression of a view such as that embodied in paragraph 4 of the draft Resolution, further, it should be stressed that this was simply an expression of opinion and that it was not proposed to take a binding decision.

The *British workers' delegate*, speaking on behalf of the workers' group, stated that the workers' representatives would vote for the draft Resolution, which they regarded as an attempt at facilitating the regulation of the question within a specified period, the workers would, however, have preferred a considerable reduction of this period, and in accepting the proposal made they were thus demonstrating their good will, a corresponding conciliatory gesture was therefore expected from the employers' side.

The *French workers' delegate* associated himself with the remarks of his British colleagues and emphasised that the draft resolution only stated in precise terms the opinions expressed on the different problems raised by a reduction of hours of work in the mines, one of these statements was that the International Labour Conference could dispense with a further discussion in June 1938.

The same point of view was expounded by the *Government delegates of France and the United States*, as well as the *representatives of the Government and the workers' groups of the Governing Body*. The two last-mentioned delegates said in particular that in their opinion the authority of the Governing Body and of the Conference remained absolutely untouched, whatever view was expressed by the draft Resolution. The Conference remained in any case free to deal with the question of a reduction of hours of work in coal mines at its Session of June 1938; nevertheless the present Meeting could perfectly well

suggest to the Conference that it should adopt a different procedure: to do so would be in no way contrary to the Constitution of the International Labour Organisation, and the experts present were fully entitled to give advice to the Governing Body and the Conference on the manner and method which seemed to them most calculated to arrive at a satisfactory solution. The Meeting was therefore absolutely entitled to recommend a specific procedure and the Governing Body could not be other than glad to receive such an indication.

A vote was then taken by show of hands, and the Meeting adopted the draft Resolution before it by 15 votes to nil, the employers' group having abstained for the reasons given above.

COMPOSITION DE LA RÉUNION
COMPOSITION OF THE MEETING

Représentants du Conseil d'administration
Representatives of the Governing Body

Groupe gouvernemental — Government group

Mr L. W. LUGGATT

Groupe des employeurs — Employers' group

Mr H. C. ORNSTED

Groupe des travailleurs — Workers' group

Mr R. J. WATT

Représentant du Secrétariat de la Société des Nations
Representative of the Secretariat of the League of Nations

M. STOLPANI, Directeur de la Section des Relations économiques,
assisté de (assisted by)

M. BAUMONT, Membre de la Section des Relations économiques

Délégués et conseillers techniques des pays indiqués ci-après
Delegates and Advisers of the Following Countries

Etats-Unis d'Amérique — United States of America

Délegue gouvernemental — Government Delegate

Mr Ralph J. WATKINS, Director, Bureau of Business Research
of the University of Pittsburg

Conseillers techniques — Advisers

Mr John GAMBS, Assistant Labor Commissioner

Mr Llewellyn E. THOMPSON, Consul

Délegue des employeurs — Employers' Delegate

Mr Duncan C. KENNEDY, Executive Secretary of the Kanawha
Coal Operators' Association

Délégué des travailleurs — Workers' Delegate:

Mr A. D. LEWIS, Secretary of the President of the United Mine Workers of America.

Belgique — Belgium

Délégué gouvernemental — Government Delegate:

M. G. RAVEN, Directeur Général des Mines

Conseiller technique — Adviser:

M. ANCIATX, Ingénieur en chef, Directeur des Mines.

Délégué des employeurs — Employers' Delegate:

M. LEGRAND, Directeur Général de la Fédération des Associations charbonnières de Belgique.

Conseiller technique — Adviser:

M. CAPIAT, Directeur général de l'Office belge des Charbons.

Délégué des travailleurs — Workers' Delegate:

M. DETHIER, Secrétaire National de la Centrale des Travailleurs des Mines.

Conseiller technique — Adviser:

M. VAN BUGGENHOUT, Député, Président de la Centrale des Francs-Mineurs

Brésil — Brazil

Délégué gouvernemental — Government Delegate:

M. LUIZ BETIM PAES LEME, Membre du Conseil Economique Fédéral.

Empire Britannique — British Empire

Délégué gouvernemental — Government Delegate:

Mr. H. W. COLE, C.B., C.B.E., Deputy Under-Secretary for Mines.

Conseillers techniques — Advisers:

Mr. G. H. PRYOR.

Mr. G. F. ANDERSON, M.B.E., M.C.

Mr. H. F. ROSSETT.

Delegue des employeurs — Employers' Delegate.

Mr. William Alexander LEE, C.B.E., Director of the Mining Association of Great Britain.

remplace le 10 mai par — replaced 10 May by

Mr. Horace Donald Leolin MYNTON, Mining Association of Great Britain.

Conseillers techniques — Advisers

- Mr Charles Augustus CANNON, Managing Director of the Fife Coal Company Limited
Mr Robert CRIVI, Secretary of the South Yorkshire Coal Trade Association
Mr Francis Llewellyn JACON, Chairman of the Welsh Navigation Steam Coal Company Limited
Mr Richard James WRIKS, Agent of the Bedlington Coal Company Limited

Délégué des travailleurs — Workers' Delegate

- Mr Will LAWTHEN, Vice-President of Mineworkers' Federation of Great Britain, Member of Trades Union Congress General Council

Conseillers techniques — Advisers

- Mr Frank COLLINGBRIDGE, Member of Executive Committee of Mineworkers' Federation of Great Britain
Mr Elby EDWARDS, General Secretary, Mineworkers' Federation of Great Britain, Member of the Trades Union Congress General Council
Mr Arthur HONFER, President, South Wales Miners' Federation
Mr James BOWMAN, Secretary of the Northumberland Miners' Association, Member of the Executive of the Mineworkers' Federation of Great Britain

Chili — Chile

Délégué gouvernemental — Government Delegate

- Son Excellence M. Fernando GARCÍA OLDINI, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre du Travail, Délégué permanent du Chili auprès du Bureau international du Travail, Membre du Conseil d'administration du Bureau international du Travail

France

Délégué gouvernemental — Government Delegate

- M. Charles BARON, Député, Président de la Commission des Mines et des Forces Motrices

Suppléant et Conseiller technique — Substitute and Adviser

- M. BLUM-PICARD, Directeur des Mines au Ministère des Travaux Publics

Conseillers techniques — Advisers

- M. CASPARD, Ingénieur des Ponts et Chaussées, Directeur du Cabinet du Ministre du Travail
M. LAFAY, Ingénieur en chef des Mines
M. DUHAMEAUX, Ingénieur des Mines

Délegue des employeurs — Employers' Delegate

M Pierre PARENT, Vice-Président du Comité Central des Houillères de France

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M PERRIN-PELLETIER, Directeur général de la Compagnie des Mines de Roche-la-Moillère et Firminy

Délegue des travailleurs — Workers' Delegate

M Pierre VIGNE, Président de l'Internationale minière, Secrétaire général de la Fédération Nationale des Travailleurs du sous-sol et similaires

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M René BARD, Secrétaire adjoint de la Fédération nationale des Travailleurs du sous-sol et similaires

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M^{lle} G J STEMBERG, Docteur en droit, Directeur au Ministère des Affaires Sociales

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M H J PELZER, Président de l'Union catholique néerlandaise des ouvriers mineurs

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M Ch VAN DE BILT, Sénateur, Président de l'Union générale néerlandaise des ouvriers mineurs

Pologne — Poland

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Son Excellence M le Ministre Titus SAS KOMARNICKI, Délégué du Gouvernement polonais au Conseil d'administration du Bureau international du Travail

Delegue suppleant — Substitute Delegate

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M Seweryn HORSZOWSKI, Conseiller ministériel, Chef de la Section de la Législation internationale du Travail au Ministère de l'Assistance Sociale

M Tadeusz KAWCZYŃSKI, Conseiller au Ministère du Commerce et de l'Industrie

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M Czesław WIENIAWA-CHMIELEWSKI, Directeur de l'Union des Employeurs de l'Industrie Minière et Métallurgique en Silésie

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Tchécoslovaquie — Czechoslovakia

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M F SMEKAL, Ingenieur, Secrétaire de l'Union des industriels miniers

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M Karel BROŽIK. Deputé. President de la Federation des
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M. Josef LANC President de l'organisation des ouvriers mineurs
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Yugoslavie — Yugoslavia

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M. Milan TCHOUBELITCH Inspecteur de mines au Ministère
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Délegué des employeurs — Employers' Delegate

M. Miodrag NEDELJKOVITCH Ingenieur des mines et Directeur
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Délegué des travailleurs — Workers' Delegate

M Youray ARH Secrétaire de l'Union des Mineurs à Zagreb.

Conseiller technique — Adviser

M Petar VIDACOVITCH, Contrôleur des mines à Ravna Reka.

OBSERVATEUR — OBSERVER

Grèce — Greece

M. Antoine TRIANTAPHYLLOU. Fonctionnaire du Ministère du Travail.

SECRÉTAIRE DU GROUPE DES EMPLOYEURS
SECRETARY OF THE EMPLOYERS GROUP

M. Jules LECOCQ. Secrétaire général de l'Organisation internationale des
employeurs industriels

BUREAU DE LA RÉUNION — OFFICERS OF THE MEETING

President — Chairman

M G RAVEN Délégué gouvernemental de la Belgique — Belgian
Government Delegate

Vice-Presidents — Vice-Chairmen:

Mr. W A LEE British Empire Employers' Delegate — Délégué des
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M P VIGNE. Délégué des travailleurs de la France — French
Workers' Delegate.

Representants du Conseil d'administration — Representatives of the Governing Body

Mr F. W. LEGGITT M H C OERSTED, Mr R J WATT

COMMISSION GENERALE — GENERAL PURPOSES COMMITTEE

Membres du Bureau de la Réunion — Officers of the Meeting

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M H C OERSTED Mr R J WATT

Representants du Groupe gouvernemental — Representatives of the Government Group.

Mr R J WATKINS, United States of America — Etats-Unis
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M P J M AUBERT, Pays-Bas — Netherlands

M T. SAS KOMARNICKI Pologne — Poland

Representants du Groupe des employeurs — Representatives of the Employers' group

M P PARANT, France

M C LEGRAND, Belgique — Belgium

M T STADNIKOWICZ Pologne — Poland

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M A HARN, Pays-Bas — Netherlands

M Z MALOCH, Tchécoslovaquie — Czechoslovakia

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Mr A D LEWIS, United States of America — Etats-Unis
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Mr W LAWTHORP, British Empire — Empire britannique

M J STAŹCZYK Pologne — Poland

SECRETARIAT DE LA RÉUNION — SECRETARIAT OF THE MEETING

Secrétaire général — Secretary-General

Mr Harold BUTLER

Secrétaire général adjoint — Deputy Secretary-General

M A TIVIER

Experts

Mr JOHNSTON, Mr LORWIN, assistés de — assisted by
Mr WUBNIG, M VIALA

Compte rendu — Record

Miss RIEGELMAN, Mlle LEONI

IV

Points as amended as a Result of the Work of the Technical Tripartite Meeting on the Coal Mining Industry

As is seen in the report of the Technical Tripartite Meeting on the Coal Mining Industry, the Meeting examined the list of questions reproduced above in Chapter II (A). In regard to a number of these points the Meeting presented suggestions or observations which seemed to make necessary an amendment of the wording of the corresponding points.

The Office submitted to the Conference the proposals for amendment which constituted Chapter II of the Supplementary Report to Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work.

The Conference approved the proposals of the Office by adopting the Resolution concerning coal mines (see below, Part V, p. 97).

The following texts are reproduced below:

(A) Chapter II of the Supplementary Report to Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work, which contains the proposals for amendment presented by the Office to the Conference, and

(B) the text of the amended points.

A. — Draft Amendments to be made to the List of Points published in Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work, taking into Consideration the Work of the Technical Tripartite Meeting on the Coal Mining Industry

In Part III of the Report on Generalisation of the Reduction of Hours of Work there is a list of points on which the Office considers that Governments might be consulted in regard to the reduction of hours of work in coal mines.

A certain number of these points deal with problems which in the course of previous discussions have been solved in what appears to be a satisfactory manner. Others concern problems which appear to allow of a better solution than that so far reached or which are entirely new.

The Office especially drew the attention of the Technical Tripartite Meeting on the Coal-Mining Industry to the latter problems and for this purpose submitted for the consideration of the Meeting a list of the points which in its opinion deserved special consideration.

The Technical Tripartite Meeting examined this limited list of points and in regard to a number of them made suggestions or observations which were set out in its report.

It would be well, therefore, to take into account the views expressed by the experts at the Technical Tripartite Meeting and to make appropriate amendments to the list of points which appears in the third Part of the Grey Report on the Generalisation of the Reduction of Hours of Work. These amendments deal with the points concerning

Time spent in the mine by underground workers,
Overtime placed at the disposal of the undertakings, and
The progressive application of the regulations

As a result of these proposals, amendments should also be made to the various points concerning surface workers in underground mines and all workers in open mines as well as to those dealing with special schemes for certain countries.

TIME SPENT IN THE MINE BY UNDERGROUND WORKERS

Points 9 and 10 concerning the limits to the daily and weekly time spent in the mine by underground workers in mines appear in the Grey Report as follows

9 Daily time

- (a) Limitation of daily time spent in the mine, for any worker, to $7\frac{3}{4}$ hours;
- (b) Other limits

10 Weekly time

- (a) Limitation of weekly time spent in the mine for any worker, $38\frac{3}{4}$ hours,

- (b) Limitation of weekly time spent in the mine, for any worker, to $38\frac{3}{4}$ hours, with possibility of introducing transitional scheme providing for longer hours and different distribution
- (c) Other limits

As a result of the general discussion in the Technical Tripartite Meeting, and more particularly of the suggestions made by the Belgian and Polish Government delegates, it would appear that

- (1) the daily and weekly limits of time spent in the mine should not be considered separately but as forming part of one system concerning daily and weekly limits.
- (2) the weekly limit should be considered on the one hand as an absolute limit, that is to say that the number of hours fixed per week should apply uniformly to each week; and on the other as an average limit, that is to say that the number of hours fixed per week should be expressed as an average so that the time spent in the mine might vary from week to week. In this connection the Belgian Government delegate suggested that the average time spent in the mine should be made up of a combination of 6-shift and 5-shift weeks
- (3) it would be desirable to permit Governments to give their opinion concerning the different possible combinations, within the framework of the observations submitted.

It therefore seems necessary to group together the contents of points 9 and 10 and to draft point 9 in the following terms

9. Limitation of daily and weekly time spent in the mine for any worker to

- (a) $7\frac{3}{4}$ hours per day and $38\frac{3}{4}$ hours per week
- (b) 8 hours per day and 40 hours per week,
- (c) $38\frac{3}{4}$ hours per week as an average calculated over a fixed period consisting of a certain number of weeks of six days and a certain number of weeks of five days. The daily time not to exceed $7\frac{3}{4}$ hours
Length of period;
- (d) 40 hours per week on the average calculated over a fixed period consisting of a certain number of weeks of six days and a certain number of weeks of five days, the daily time not to exceed 8 hours
Length of period,
- (e) $7\frac{1}{2}$ hours per day and 45 hours per week
- (f) Other limits

The transitional scheme which is the subject of questions 63 to 65 and which was referred to in paragraph (b) of question 10 might form the basis of question 10, drafted as follows

10 Limitation of weekly time spent in the mine, for any worker, on the basis of a $38\frac{3}{4}$ -hour week or of a 40-hour week, as provided in paragraphs (a), (b), (c), and (d), of question 9, with the possibility of introducing a transitional scheme providing for longer hours and a different distribution (See below IX, points 63-65)

OVERTIME PLACED AT THE DISPOSAL OF UNDERTAKINGS

In point 35 of the Grey Report concerning the number of hours of overtime placed at the disposal of undertakings, the numbers 60, 80, and 100 hours of overtime appear

The Office asked the Technical Tripartite Meeting if it would be well to consult Governments on the advisability of fixing the number of hours' overtime authorised for underground workers in underground mines at a multiple of $7\frac{3}{4}$ hours in order to make it correspond to an exact number of shifts

In the course of the discussion the Belgian Government delegate observed that it would be well to amend the drafting of this point by referring to the daily limitation of 8 hours which would be mentioned in question 9

The Office therefore considers that it would be well to add this point to the list appearing in the Grey Report and to draft it in a more general form that might cover any daily limitation whatsoever

Accordingly the Office proposes to add a new point 35a as follows

35a Fixing of the number of hours' overtime allowed at a multiple of the daily time spent in the mine so that it shall correspond to an exact number of shifts

GRADUAL APPLICATION OF THE REGULATIONS

In case the immediate application of the $38\frac{3}{4}$ -hour week should prove difficult, the Office had suggested that Governments should be consulted as to the possibility of adopting a transitional scheme providing for eleven $7\frac{3}{4}$ -hour shifts in the fortnight (or an average of 42 hours 37 minutes a week), 6 shifts being worked in one week and 5 shifts in the next

Several suggestions were submitted on this point at the Tripartite Meeting

The Belgian Government delegate suggested the adoption of a transitional scheme providing for a 44-hour week averaged over a fortnight, six 8-hour shifts being worked in one week and five 8-hour shifts in the next. He also proposed that Governments should be consulted as to other transitional schemes based either on the reduction of the daily time spent in the mine or on the elimination of working days or on a combination of these two systems. The first and third of these proposals met the objection raised by the Polish Government delegate against the principle of reducing hours of work by eliminating working days.

It was again to meet the views of the Polish Government delegate that the French Government delegate proposed a formula providing for the establishment, as a transitional measure, of a 42-hour week worked in six 7-hour shifts, or an average 42-hour week calculated over a fortnight with 6 shifts of 7 hours 38 minutes in one week and 5 shifts of 7 hours 38 minutes in the next.

In view of these suggestions, the Office proposes that point 63 should be framed as follows:

63. Should the immediate application of the 38 $\frac{3}{4}$ -hour or 40-hour week prove difficult, gradual application of the international regulations, as regards the reduction of hours of work, for all the coal mines of any country or for certain classes of mines, or for certain mining districts, the competent authority being empowered:

- (a) to establish both a scheme providing for 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 7 hours 45 minutes or 8 hours each for underground workers and 8 hours for surface workers, and
an equivalent scheme providing for 6 shifts in the week of 7 hours 6 minutes or 7 hours 20 minutes for underground workers and 7 hours 20 minutes for surface workers; or
- (b) to establish both a scheme providing for 11 shifts in the fortnight (6 shifts in one week and 5 in the next) of 7 hours 38 minutes for underground workers and 8 hours for surface workers and
an equivalent scheme providing for 6 shifts in the week of 7 hours for underground workers and 7 hours 20 minutes for surface workers; or
- (c) to establish other transitional schemes providing either for the even distribution of weekly hours of work over all the working days in the week, or for
the elimination of working days or for
a combination of these two systems.

LIMITS OF THE HOURS OF WORK OF SURFACE WORKERS OF UNDERGROUND MINES AND WORKERS IN OPEN COAL MINES

The amendments proposed to points 9 and 10 concerning the limits to the normal hours of work of underground workers in coal mines involve consequential amendments to the points dealing with the normal hours of work of the surface workers of underground mines (point 49) and the limits to the hours of work of workers in open coal mines (points 53 and 56)

Alternative proposals should therefore be added to points 49, 53 and 56 concerning the establishment of a 40-hour week averaged over a fortnight (six 8-hour shifts in one week and five 8-hour shifts in the next), and the establishment of a $7\frac{1}{2}$ -hour day and a 45-hour week

It is proposed that the following paragraphs should be added to each of these points

Limitation of normal hours of work to an average of 40 a week calculated over a specified period consisting of a certain number of 6-day weeks and a certain number of 5-day weeks, daily hours of work not to exceed 8

Length of period

Limitation of normal hours of work to 7 hours 30 minutes a day and 45 hours a week

SPECIAL SCHEMES FOR CERTAIN COUNTRIES

Point 58 of the Grey Report dealing with the possibility of providing special schemes for certain countries runs as follows:

58 For Asiatic countries China, India, and Japan Hours of work to be fixed at
8 hours a day and 48 hours a week for surface workers, and
 $7\frac{3}{4}$ hours a day and $46\frac{1}{2}$ hours a week for underground workers

For the reasons stated above, it is also necessary to mention for underground workers the possibility of an 8-hour day and 48-hour week in addition to that of a $7\frac{3}{4}$ -hour day and a $46\frac{1}{2}$ -hour week. Point 58 would then read as follows

58 For Asiatic countries China, India, and Japan Hours of work to be fixed at
8 hours a day and 48 hours a week for surface workers and
 $7\frac{3}{4}$ or 8 hours a day and $46\frac{1}{2}$ or 48 hours a week for underground workers

B. — *Text of the Points as amended as a Result of
the Work of the Technical Tripartite Meeting on the Coal
Mining Industry*

III. — Underground Workers

§ 2 — NORMAL HOURS OF WORK

Time spent in the Mine

9. Limitation of daily and weekly time spent in the mine for any worker, to:

- (a) $7\frac{3}{4}$ hours per day and $38\frac{3}{4}$ hours per week;
- (b) 8 hours per day and 40 hours per week;
- (c) $38\frac{3}{4}$ hours per week as an average calculated over a fixed period consisting of a certain number of weeks of six days and a certain number of weeks of five days, the daily time not to exceed $7\frac{3}{4}$ hours
Length of period:
- (d) 40 hours per week on the average calculated over a fixed period consisting of a certain number of weeks of six days and a certain number of weeks of five days, the daily time not to exceed 8 hours
Length of period:
- (e) $7\frac{1}{2}$ hours per day and 45 hours per week.
- (f) other limits.

10 Limitation of weekly time spent in the mine for any worker, on the basis of a $38\frac{3}{4}$ -hour week or of a 40-hour week as provided in paragraphs (a), (b), (c) and (d) of question 9 with the possibility of introducing a transitional scheme providing for longer hours and a different distribution (See below IX points 63-65)

Overtime placed at the Disposal of Undertakings

35a. Fixing of the number of hours' overtime allowed at a multiple of the daily time spent in the mine so it shall correspond to an exact number of shifts

IV. — Surface Workers of Underground Mines

If Surface Workers are included in the Scope of the Convention concerning Coal Mines

49. Determination of hours of work scheme

- (a) Application to surface workers of hours of work scheme proposed for industrial workers in general, and to this end, use of the questionnaire concerning these workers, or
- (b) Extension to surface workers of the hours of work scheme for workers in open coal mines contained in the proposed Draft Convention of 1936 (see below, V, point 56), or
- (c) Limitation of normal hours of work to 40 per week as an average calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days The daily time not to exceed 8 hours Length of period, or
- (d) Limitation of daily hours of work to $7\frac{1}{2}$ per day and 45 per week

V — Workers in Open Coal Mines

If the International Regulations are applied to Surface Workers of Underground Mines

53. Determination of hours of work scheme

- (a) Application to the persons in question of the hours of work scheme proposed for industrial workers in general, and to this end, use of the questionnaire concerning these workers, or
- (b) Extension to the persons in question of the hours of work scheme for workers in open coal mines contained in the proposed Draft Convention of 1936 (see below, V, point 57)
- (c) Limitation of normal hours of work to 40 per week as an average calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days The daily time not to exceed 8 hours Length of period, or
- (d) Limitation of daily hours of work to $7\frac{1}{2}$ per day and 45 per week

*If the International Regulations are not applied to Surface Workers
of Underground Mines*

53. Determination of hours of work schemes:

Application to these workers of the general scheme contained in the Convention, provided:

3. that hours of work do not exceed 380 $\frac{1}{2}$ hours a week, the competent authority being empowered to extend this period, after consultation with the organisations of employers and workers concerned, up to 40 hours a week; or
4. hours a week as an average calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days. The daily time not to exceed 8 hours.

Length of periods: or

the limits mentioned above, with a higher limit during a transitional period (see below, IX, points 63-65); or

71 $\frac{1}{2}$ hours a day and 45 hours a week;

and that, in countries where the hours of work of underground workers are calculated at the workplace, hours of work in open mines may not exceed the limits fixed for underground workers: the method of application to be decided by the competent authority after consultation with the organisations of employers and workers concerned; and

- (5) that the number of hours' overtime may be increased to not more than 100 hours throughout the country, and that where special needs so require, but only in such cases, the competent authority may approve collective agreements which provide for an increase of the above-mentioned 100 hours by not more than a further 100 hours a year.

VI. — Special Schemes for certain Countries

Possible Special Schemes

55. For Asiatic Countries: China, India, and Japan: Hours of work to be fixed at:

8 hours a day and 48 hours a week for surface workers, and 72, or 8 hours a day and 48 $\frac{1}{2}$ or 48 hours a week for underground workers.

IX. — Gradual Application of the Regulations

63 Should the immediate application of the 38 $\frac{3}{4}$ -hour or 40-hour week prove difficult, gradual application of the international regulations, as regards the reduction of hours of work, for all the coal mines of any country or for certain classes of mines, or for certain mining districts, the competent authority being empowered

- (a) to establish both a scheme providing for 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 7 hours 45 minutes or 8 hours each for underground workers and 8 hours for surface workers, and

an equivalent scheme providing for 6 shifts in the week of 7 hours 6 minutes or 7 hours 20 minutes for underground workers and 7 hours 20 minutes for surface workers, or

- (b) to establish both a scheme providing for 11 shifts in the fortnight (6 shifts in one week and 5 in the next) of 7 hours 38 minutes for underground workers and 8 hours for surface workers, and

an equivalent scheme providing for 6 shifts in the week of 7 hours for underground workers and 7 hours 20 minutes for surface workers, or

- (c) to establish other transitional schemes providing either for the even distribution of weekly hours of work over all the working days in the week, or for
the elimination of working days, or for
a combination of these two systems
-

Discussion at the Twenty-fourth Session of the Conference

A — *Discussion in the Committee on Hours of Work*

In the course of its Third Sitting, the Conference decided to set up a Committee on Hours of Work, which it charged with the examination of the question of the generalisation of the reduction of hours of work

The Grey Report in five volumes on the generalisation of the reduction of hours of work, prepared by the Office, was taken by the Committee as a basis for the discussion of the drawing up of a list of points on which the consultation of Governments might take place. This report comprised, among other things, a part (Part III) dealing with coal mines, the conclusions of which contained a list of points covering these mines in particular. This part was itself completed by a supplementary report in which appeared the proposals of the Office concerning the amendments to be made to certain points as a result of the work of the Technical Tripartite Meeting on the Coal Mining Industry, which had met in Geneva from 2 to 10 May 1938.

In the course of the work of the Committee¹ a significant debate took place in regard to the form of the future international regulations concerning the generalisation of the reduction of hours of work. Two theses were presented: one, which was preferred by the Workers' Group, proposed the drawing up of a single general Convention covering economic activities as a whole, another, which was preferred by certain Governments, proposed the drawing up of international regulations by industries. Finally, an intermediate

¹ See the Red Report concerning the Generalisation of the Reduction of Hours of Work in Industry, Commerce and Offices.

system, consisting of a limited number of Conventions according to the large branches of economic activity, was proposed by various Governments

During the general discussion the British Government member expressed the opinion that if too rapid methods were adopted by the International Labour Organisation they could only be a set-back to the existing movement for shorter hours in individual industries. In his opinion it was a matter for congratulation that a system of Tripartite Conferences had been followed for certain industries, as this had enabled the Organisation to secure the co-operation of specialists who were best able to solve practical problems. Consequently he requested the Committee to reflect carefully before giving up the method of regulation, industry by industry.

The Belgian Government member noted that the method of reduction of hours of work, industry by industry, had not given satisfactory results and that it was necessary at the present stage of work to decide upon either the adoption of a single Convention or the adoption of a limited number of Conventions. The French Government member took the same view.

According to the United States Government member, hours of work in certain industries such as transport and the coal mining industry should be examined separately. The New Zealand Government member thought that a single Convention attempting to reduce hours of work, if it were to be adopted, would not be ratified. For this reason he was in favour of the drawing up of a small number of Conventions.

At the end of the general discussion the Government members of the United States, Belgium, Czechoslovakia, Denmark, France, New Zealand and Norway presented the following Resolution on this subject

1 The Committee considers it preferable to look towards a limited number of Draft Conventions on the generalisation of the reduction of hours of work, as follows

- (a) One or two Draft Conventions on industry, commerce and offices,
- (b) A Draft Convention on coal mines,
- (c) One or more Draft Conventions on transport

2 *Industry, commerce and offices*

The Committee decides to proceed immediately with the consideration of the list of points on the reduction of hours of work in industry, commerce and offices

3 *Coal Mines*

In accordance with the resolution adopted by the Technical Tripartite Meeting on the Coal Mining Industry which was held in Geneva from 2 to 10 May 1938, the Committee considers

- (a) that the question of the reduction of the hours of work in coal mines should be entered on the agenda of the 1939 Session of the Conference with a view to a final discussion and as a separate item,
- (b) that the Office should be instructed to prepare a questionnaire to be sent to Governments, taking into account the results of the Technical Tripartite Meeting

4 *Transport*

The Committee considers that, apart from the question of road transport, it will be impossible in practice to examine this year the lists of points on rail transport, inland water transport and air transport

It considers that the Governing Body should be requested

- (a) to summon in 1938 or 1939 one or more Preparatory Technical Tripartite Meetings with a view to studying the bases of international regulations on the reduction of hours of work in transport,
- (b) to enter on the agenda of the Conference the question of the reduction of hours of work in transport as soon as it shall have received communication of the results of the work of the Preparatory Technical Tripartite Meeting (or Meetings)

The British Government member pointed out the consequences of the adoption of this resolution, which would permit, especially, separate treatment for coal mines. In this regard the British Workers' member stated that the Workers' members would have preferred a procedure leading to a single Convention, with a possible exception for coal mines. Nevertheless, in a spirit of conciliation they would support the proposed procedure on the understanding that it would not unduly delay the generalisation of the reduction of hours of work.

Part III of the Draft Resolution concerning coal mines was adopted by 90 votes to 33. As a result of this vote the reduction of hours of work in coal mines was to be made the subject of special regulations.

Consequently the scope proposed in the list of points concerning industry, commerce and offices was redrafted as follows in regard to mines:

" Mines, quarries, and other works for the extraction of minerals from the earth, excluding mines from which coal, including lignite, is the only or principal mineral extracted "

In this regard, in reply to a question raised by the Workers' members of the United States and France, as well as of the French Employers' member, the Representative of the Secretary-General

stated that the special list of points relating to coal mines, as amended by the Technical Tripartite Meeting, included in its scope lignite mines, whether underground or open. He specified that, lignite being considered as a variety of coal, underground lignite mines were covered (with a special regime regarding hours of work) under § 10 (Points 43 to 45) of the list of points concerning coal mines. As regards open lignite mines, they were covered in Part V (Points 50 to 56) of that list of points.

Thus mines other than coal mines, including lignite, would be covered in the item on reduction of hours of work in industry, commerce and offices inscribed on the agenda of the 1939 Session of the Conference for a second discussion, while reduction of hours of work in coal mines, including lignite, would form the subject of a separate item similarly inscribed for a second discussion on the agenda of the 1939 Session of the Conference.

At the conclusion of the work of the committee, the Government members of the United States of America, Belgium, the British Empire, Czechoslovakia, France, the Netherlands and Poland, taking up again the suggestions of the Technical Tripartite Meeting, submitted the following draft resolution with a view to its presentation to the Conference:

“ The Conference,

“ Having taken note of the Report of the Technical Tripartite Meeting on the Coal Mining Industry held in Geneva from 2 to 10 May 1938, and in particular of the resolution adopted by the meeting,

“ Taking account of the fact that the question of the reduction of hours of work in coal mines figures on the agenda of the Conference for first discussion as part of the item concerning the generalisation of the reduction of hours of work,

“ Observing that the proceedings of the Technical Tripartite Meeting on the Coal Mining Industry have provided the Office with all the information and opinions necessary for drafting a questionnaire with a view to the consultation of Governments on the reduction of hours of work in coal mines,

“ And having taken note of Chapter II of the Supplementary Report to Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work, indicating the changes to be made in the list of points in order to take account of the work of the meeting,

“ Adopts the list of points contained in Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work, with the amendments indicated in Chapter II of the Supplementary Report, and

“ Decides to place the question of the reduction of hours of work in coal mines on the agenda of the 1939 Session of the Conference as a separate item and with a view to final discussion ”

This draft resolution was adopted by 73 votes to 36, the Employers' members voting against it with the exception of the French Employers' member, who voted in favour.

*B. — Discussion of the Report of the Committee
in Plenary Session of the Conference and Decision
of the Conference*

At the time of the consideration by the Conference of the report of the Committee on Hours of Work¹ there was no particular discussion in regard to reduction of hours of work in coal mines. Nevertheless, some speakers made allusion to this question—in particular, *Mr. Lewis*, Workers' technical adviser of the United States of America, *Mr. Lagasse*, Belgian Employers' technical adviser, and *Mr. Leggett*, Government delegate of the British Empire.

Mr. Lewis stated that, as a result of collective bargaining and the efforts of their trade union, the miners of his country already received the benefit of a 7-hour day and a 5-day week, but these advantages had been more than offset by the introduction of mechanised production methods in coal mining, and the American coal mining industry can now produce in approximately 150 days of operation sufficient coal to meet the needs of the nation for an entire year.

Mr. Lagasse, speaking of the consequences of the reduction of hours of work, recalled that in Belgium a law permits the introduction of the 40-hour week by stages in dangerous, unhealthy or trying industries. A year and a half ago the first step was taken for the coal mining industry by reducing hours of work underground to 45 hours. The unsatisfactory consequences foreseen by the employers had not failed to appear. It is known that the unproductive time (underground travel, mealtimes, various rest periods) came to 1 hour 40 minutes, and that the effective work was 6 hours 20 minutes when the day was 8 hours. The system of the 7½-hour day had thus brought the working period to 5 hours 50 minutes and thus inevitably brought with it a fall in productive work of 7.9 per cent of the original output. It would be well to note in this regard that the regime of the 5-day week instead of the 7½-hour day had had less ill-effects. Statistics published by the Administration of Mines make it possible to judge of the results of the application of the 7½-hour day: in January 1937, under the régime of 8 hours, the monthly production was 2,466,500 tons for 24.2 days of mining and for 120,375 workers. The average of the first four months of

¹ See the Red Report concerning the Generalisation of the Reduction of Hours of Work in Industry, Commerce and Offices

1938, under the 7½-hour day gave 2,557,772 tons for 24 9 mining days and 131,043 workers. The man output per day underground was therefore, under the system of 8 hours, 1,203 kgs and with the 7½-hour day it was 1,095 kgs, or a loss of 108 kgs. The average output per worker (workers underground and workers at the surface) was 817 kgs under the system of 8 hours per day and 764 kgs under the system of 7½ hours per day, or a loss of 53 kgs. The fall in percentage as compared with January 1937 under the 8-hour day was on the average, for the first four months of 1938, 9 per cent for workers underground and 6 5 per cent for workers underground and at the surface combined. Further, as has already been said above, the fall hypothetically foretold for underground output had been placed at 7 9 per cent, in reality it had reached 9 per cent.

This result permitted the conclusion to be drawn that under the 8-hour regime the engineers and the workers were already carrying out all they were capable of, it would not therefore be possible to calculate, in order to improve the situation brought about by the reduction of hours of work, on the purely psychological factor.

The repercussions of this first application of the law on hours of work are most suggestive: entrance into Belgium of more than 8,000 foreign workers, loss of production of 1,800,000 to 2,000,000 tons, importation of foreign coal and, in consequence, expenditure going from three to four million francs, which has notably prejudiced the trade balance of Belgium, increase in the price of coal and of all manufacture dependent upon it.

Mr Leggett noted with satisfaction that the procedure which had been suggested by the representatives of his Government five years before had been shown to be the best. The British Government had, in fact, proposed that the special regulations required for particular industries, such as coal mines, road transport, inland navigation, etc., should be separate from the regulations for industry as a whole.

The Resolution concerning hours of work in coal mines submitted by the Committee to the Conference was adopted by a vote of 78 to 26, taken by a show of hands, with the exception of the last paragraph, concerning the agenda of the following session, which was submitted to a record vote. The inscription on the agenda of the Twenty-fifth Session of the Conference of the question of the reduction of hours of work in coal mines as a separate item and for final decision was adopted by a record vote of 82 to 29.

VI

Consultation of Governments

A — *Commentary on the Questionnaire*

As the Office indicated in the conclusions to Part III (Coal Mines) of the Report on the Generalisation of the Reduction of Hours of Work, the Conference, and, consequently, Governments, in order to examine the question of reduction of hours of work in coal mines in all its aspects, must have the whole question before it. Nevertheless in respect to those problems on which conferences and tripartite meetings prior to 1937 have reached a generally accepted solution, the Questionnaire merely reproduces the solution. Commentaries on the questions covering these problems appear superfluous.

On the contrary, with respect to the problems on which general agreement seemed less certain, or which remain outstanding, or which are even raised for the first time; the Questionnaire frequently contains several possible solutions. On these questions some commentaries are given in order to make clear, in each case, the origin, the meaning, or the bearing of the question.

In the first place it should be noted that there is no question corresponding to point 2 of the list of points. In fact, a question asking whether the regulations concerning coal mines should take the form of a special Convention or of special provisions contained in a general Convention is no longer necessary, since the Conference decided to place the question of reduction of hours of work in coal mines on the agenda of the Twenty-fifth Session of the Conference as a separate item.

Underground Workers in Underground Coal-Mines, including Lignite

NORMAL HOURS OF WORK

Limitation of Time Spent in the Mine

Question 8

This question corresponds to one of the points amended as a result of the work of the Technical Tripartite Meeting on the Coal Mining Industry. It permits Governments to be consulted on a broad range of systems of time spent in the mine and of methods for distributing hours of work.

Paragraphs (a) and (b) cover systems based respectively on the 38¾-hour and 40-hour week, with a daily maximum limit of 7¾ hours or 8 hours. These systems presuppose the division of the weekly time over five days fixed at 7¾ or 8 hours per day, but they do not exclude distribution of hours over six days, the daily time not exceeding 7¾ or 8 hours.

Paragraph (e) corresponds to a weekly limit of 45 hours and presupposes a distribution of these hours over a six-day week on the basis of 7½ hours per day.

Paragraphs (c) and (d) provide for more elastic systems based on the calculation as an average of limits of 38¾ hours or 40 hours through the combination of weeks of five shifts and of six shifts with appropriate lengths of shifts, as follows: 7 hours, 7½ hours, etc., not to exceed 7¾ hours or 8 hours. In these cases it would be well for Governments to indicate the maximum length of the period over which the average weekly limits should be calculated.

Paragraph (f) permits Governments to present other suggestions concerning the limit to the time spent in the mine.

It should also be noted that the different methods of calculation provided for are not necessarily mutually exclusive and that they may exist coincidentally in the same regulations, that is to say, international regulations might permit that the fixed weekly limits be distributed over a 5 or 6-day week, or be calculated on the average over a period to be determined.

Question 9

This question simply deals with the principle of making possible the gradual application of the regulations by introducing a transi-

tional scheme before applying in full the 38¾ or 40-hour week. The methods of application of this principle are the subject of Chapter IX (Questions 71 to 73) of the present Questionnaire.

MAKING UP LOST TIME

Question 17

The point corresponding to this question indicated, merely as an example, a maximum length of extension of a single shift per week, which presupposed a distribution of the weekly hours of work over five days. At the Technical Tripartite Meeting it appeared that certain countries were not in favour of a five-day week and expressed opposition to the reduction of the number of days of work per week, although favouring the daily reduction of hours of work. In order to cover the cases of countries which distribute the work over six working days of the week, the question has been completed by the indication that the maximum extension should not exceed one-sixth of a shift per day.

EXTENSIONS OF NORMAL HOURS OF WORK

Extensions for Technical Reasons

Question 31 (b)

Certain Governments were not entirely satisfied with the solution suggested in the Draft Convention of 1935, and the proposed Draft Convention drawn up in 1936, for the limitation of extensions permitted for technical reasons (Question 31 (a)) and would have preferred that the Convention determine in a precise manner the length of these extensions. It is in order to permit the interested Governments to express their points of view on this subject that Question 31 (b) is put to them.

Question 31

The question of extensions for technical reasons has been the subject of careful study, particularly in 1935, at the time of the revision of the 1931 Convention. However, the occasion furnished by the present consultation of Governments should not be passed by to consider whether the exceptions allowed are sufficient to meet, in any circumstances, all the technical needs of mining.

Therefore, at the Technical Tripartite Meeting, the French Government delegate pointed out that the French regulations made

provision for extensions for technical reasons similar to those appearing in the Draft Convention of 1935, and in the proposed Draft Convention of 1936. It had, however, been necessary to add to these extensions special extensions in the case of mines subject to sudden outbursts of gas.

Overtime Placed at Disposal of Undertakings

Question 37

The question of overtime placed at the disposal of undertakings to meet various needs has been the subject of numerous discussions, the solution which appears in the Conventions of 1931 and of 1935 being the result of a compromise which permitted the bringing together of divergent points of view and thus solving serious difficulties. The provisions of the Conventions of 1931 and of 1935 were maintained in full in the proposed Draft Convention submitted to the 1936 Session of the Conference.

Nevertheless, the Office took account of the fact that, as in the past, the question of overtime ran the risk of constituting one of the principal stumbling-blocks to the adoption of the Convention. In the Grey Report it submitted the following observations in this regard:

“It must be asked whether the manner in which the problem of overtime was faced in 1931, within the framework of a $46\frac{1}{2}$ -hour week, will be satisfactory now that it is proposed to reduce the working week to $38\frac{3}{4}$ hours. Will an adaptation, involving an increase in the number of additional hours, be necessary? Would such an amendment be calculated to facilitate adoption of a Draft Convention? Would a larger overtime quota diminish the apprehensions of certain States, which would thus be able, if the difficulties proved too great, to moderate to some extent the effects of a shorter working week? On the other hand, is it not reasonable to fear that too large an overtime quota would render a reduction of hours illusory? These questions are so close to reality that their examination cannot be deliberately avoided.

“The problem is in fact that of adapting to present conditions the compromise which was accepted in 1931. Like all those which had preceded it, this compromise was based on mutual concessions. In the same way, perhaps, it will not be impossible to find, between the 60 hours' overtime already accepted and a figure which would stultify any reduction of hours, some intermediary figure—say 80 or a 100—which could obtain a majority.

“Moreover, this quota of overtime might be divided into two parts, one—of 60 hours, for instance—being left quite at the employer's disposal, and the other—20 or 40 hours—being made available only on the basis of collective agreements or a compact between the employers' and workers' organisations concerned, the framing of which would permit the workers to discuss the advisability and necessity of such extensions. The result would be a scheme applying to underground

anthracite and bituminous coal mines, similar to that provided for underground lignite mines and for surface mines

"Another possible solution would be to allow a certain quota of overtime—60 or 75 hours, for instance—on a permanent basis, with a second quota which might be made available for a limited number of years only. A safeguard against the abuse of this second quota could be obtained by making its application dependent on the procedure suggested in the preceding paragraph"

The solutions pointed out above form the subject of the various paragraphs of Question 37

Question 38

The Office consulted the Technical Tripartite Meeting as to what interest there would be in fixing at a multiple of $7\frac{3}{4}$ hours the number of hours of overtime permitted in order to make it correspond to the exact number of shifts. It should be recalled in this regard that in France the Decree of 21 December 1937, which amended the Decree of 25 September 1936 concerning the application of the week of 38 hours and 40 minutes in underground coal mines, fixed at 62 the first portion of the credit of overtime permitted, and at 93 the total amount of the credit, which is equivalent to 8 and 12 shifts respectively of $7\frac{3}{4}$ hours

Daily limits other than those of $7\frac{3}{4}$ hours having been suggested by the Technical Tripartite Meeting, the Office has given Question 38 a more general wording to make it cover any daily limit whatsoever.

PROVISIONS TO FACILITATE ENFORCEMENT OF THE REGULATIONS

Question 46

Supervision of the enforcement of the international regulations constitutes a very important problem and the Office considers it advisable to give Governments the possibility of stating whether the measures for enforcement formerly provided for, and which are the subject of Questions 43, 44 and 45, are sufficient or whether, in their opinion, it is necessary to envisage new measures and, if in the affirmative, what measures they would propose

Surface Workers of Underground Coal Mines, including Lignite

Questions 50 to 54

The Conventions of 1931 and 1935, so far as they concern underground mines, apply only to workers employed in underground work

The broadening of the scope of these regulations to surface workers was requested in 1936 by the Government of the U S A. For reasons of expediency, the Government delegate of the United States of America withdrew his request at the meeting of the Committee of the Conference, but specified that this was a problem which should be examined by the International Labour Organisation and that the question of hours of work of persons at the surface should be taken up again at a future date.

At the Technical Tripartite Meeting on the Coal Mining Industry, the Workers' Group expressed the hope that surface workers should benefit from the special Convention on coal mines, and the Government and Workers' delegates of the United States of America asked that account should be taken of the existing situation in the United States, where underground workers and surface workers are subject to the same collective agreements.

Question 50 permits Governments to give their opinion on this subject, stating whether, in their view, surface workers of underground mines should be included in the scope of the international regulations concerning industry in general, or whether they should come under the special international regulations concerning coal mines. If Governments prefer the first alternative, Questions 51 to 54 become unnecessary. On the other hand, replies to these questions will be necessary if Governments consider that surface workers should be covered by the special international regulations dealing with coal mines.

Question 51 deals with the line of demarcation between undertakings covered by the special regulations on coal mines and those covered by the regulations concerning industry in general. The problem deals with the inclusion or exclusion of ancillary undertakings: distilleries of coal, undertakings for the transformation of by-products, manufacture of synthetic petrol, etc. If the international regulations should leave aside the ancillary undertakings, it would be well to draw a line of demarcation between these undertakings and mining undertakings properly so called.

Question 52 deals with this problem, a problem all the more delicate because in certain countries an important part of the coal extracted is treated in the immediate neighbourhood of the mine, and the staff may be employed indiscriminately in the day work of the mine or the ancillary undertakings.

The possibility of excluding certain persons from the application of the international regulations, provided for in Question 53, is the same as that allowed for underground workers in the Conventions.

of 1931 and of 1935. This formula differs from the one which appears in the Questionnaire concerning the generalisation of the reduction of hours of work in industry, commerce and offices¹ It might be well, in the case of the staff at the surface, to adopt an identical formula to that provided for other industrial workers. The second paragraph of Question 53 permits Governments to give their opinion on this subject.

Question 54 deals with the scheme of hours of work of surface staff. In the original list of points the Office had mentioned only the alternative schemes covered by paragraphs (a) and (b). Paragraph (a) refers to the replies of Governments to the Questionnaire concerning the Generalisation of the Reduction of Hours of Work in Industry, Commerce and Offices. Paragraph (b) refers to the scheme provided for in the proposed Draft Convention of 1936 for workers in open coal mines employed directly or indirectly in the extraction of coal.

As a result of the work of the Technical Tripartite Meeting and of the suggestions concerning the hours of work scheme for underground workers in underground coal mines, the Office has come to envisage by analogy the two hours of work schemes which are the subject of paragraphs (c) and (d) of Question 54.

Workers in Open Coal Mines, including Lignite Mines

Questions 55 to 63

At the Technical Tripartite Meeting, the Government, employers' and workers' delegates of the United States of America asked specifically that, when the proposed international regulations were drafted, account should be taken of the system of collective agreements in force in the United States which apply not only to surface workers of underground mines but also to all workers in open mines.

¹ In the Questionnaire concerning the Generalisation of the Reduction of Hours of Work in Industry, Commerce and Offices, the possibility of exclusion is envisaged in the following terms:

- " 13 (i) Do you consider that the competent authority in each country should be authorised to exclude from the application of the international regulations
- (a) persons occupied in a position of management,
 - (b) persons occupied in a confidential capacity ?
- or
- (ii) would you prefer that this possibility of exclusion should be applied to persons who, by reason of their special responsibilities, are not subjected to the normal rules governing the length of the working time ?

Governments which state that they favour the application of the special international regulations to open mines will have to examine the effect of their decision in relation to the solution to be adopted with regard to surface workers of underground mines

In case the surface workers of underground mines should be included in the special regulations proposed, it is understandable that these regulations should also apply to all persons employed in open mines (Question 56) If persons employed at the surface of underground mines should not be covered by the special regulations concerning coal mines, as was the case in the Conventions of 1931 and of 1935, it would be logical to keep to the solution adopted for these Conventions, that is to say, the application of the special regulations only to workers in open mines directly or indirectly employed on the extraction of coal (Question 59)

Questions 56 to 58 correspond to the first alternative and are identical with those put in regard to surface workers of underground mines

Questions 59 to 63 deal with the second alternative and refer to the text of the Conventions of 1931 and of 1935, or to the proposed Draft Convention of 1936 with, in Question 61 (a), two additions (paragraphs (ii) and (iii)) analogous to those noted in regard to Question 54 and included for the same reasons (see above)

Special Schemes for Certain Countries

Questions 64 to 67

Paragraph 3 of Article 19 of the Constitution of the International Labour Organisation provides

“ In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries ”

The Conventions of 1931 and of 1935 did not contain any provision of this kind

Nevertheless, it may be doubted whether international regulations on hours of work in coal mines containing an hours of work scheme lower than 48 per week could be applied in all countries and whether it would not be well to have recourse to the possibilities offered by paragraph 3 of Article 19 of the Constitution of the International Labour Organisation, in order to draw up, for some

countries, a special scheme taking into consideration the particular conditions of their coal mining industry

The Grey Report submitted to the Conference mentioned, in fact, in the following terms that in China, in India, in Japan, in Chile, and in the Union of South Africa, conditions of work in the coal mining industry are found to have a special aspect.

"In China, the working day is fixed by legislation at 8 hours. In practice work at the surface often lasts for 9 hours and sometimes for 10 or 12 a day, for underground work the commonest daily figure appears to be 8 hours as a rule excluding both winding times, but in some mines the time spent in the mine reaches 12 hours. In practice, again, few mines have adopted the system of a weekly rest

"In India, hours of work in mines are fixed by legislation at 54 a week (underground and surface), with a daily limit of 9 hours underground and 10 hours at the surface. But according to the Indian Government hours of presence in the mine for underground workers and actual hours of work for surface workers are about 8 a day and 48 a week

"In Japan, the legal maximum for work in coal mines (underground) is 10 hours a day. In practice this includes a break of about an hour. As a rule there are two rest days a month. At the surface, actual working time was, in 1935, 10 hours 20 minutes a day and 61 hours 20 minutes a week

"In Chile, according to information given by the Government of that country in its reply to the Questionnaire (preparation of the 1936 Session of the Conference), 90 per cent of the coal extracted comes from deposits situated below the sea. The adits to these workings are several kilometres long, so that the transport of workers requires a fairly considerable time, estimated at 2 hours going and coming. At present this travelling time is not included in hours of work which are fixed at 8 in the day. In these circumstances, stated the Chilean Government, a reduction in the time spent in the mine would seriously affect all the national industries dependent on the extraction of fuel from these submarine deposits of coal

"In the Union of South Africa, according to information supplied by the Government, the provisions concerning hours of work in the mining industry do not apply to coal mines. About 95 per cent of the labour in these mines consists of coloured workers, who are employed on a task basis. No account is taken of hours worked, workers who finish their task before the end of the shift are brought to the surface as soon as circumstances permit, and in mines which can be entered by an adit they return to the surface on foot. All the coloured labourers are housed and fed by the employer; they have generally not yet attained the average standard of civilisation of the European population."

In order to take into account these special situations, the Office puts to Governments Questions 64 to 67. It should be noted that in the absence of sufficient information on the factual situation in the Union of South Africa, the Office is not prepared to make suggestions concerning the form of a special scheme which could be adapted to the very particular conditions of employment of labour in coal mines in that country.

Suspension of Application of the International Regulations

Questions 69 and 70

The Conventions of 1931 and of 1935 stipulated that the application of the international regulations could be suspended in each country by the Government in the event of emergency endangering the national safety. This provision is the subject of Question 69 (a).

It is nevertheless possible that certain States consider themselves too closely bound by such a clause and that they would desire to be able to be released under circumstances which, while remaining entirely exceptional, would not have the same degree of gravity as those mentioned in the Conventions of 1931 and of 1935. For this reason the Office, in Question 69 (b), has consulted Governments as to the possibility of suspending the application of the international regulations under the circumstances provided in the Questionnaire concerning the generalisation of the reduction of hours of work in industry, commerce and offices, namely

- (a) in case of necessity, for immediate requirements of national safety,
- (b) in case of necessity, for ensuring the working of a service of public utility,
- (c) in case of necessity, for protecting the national economic system

In addition, Question 70 asks Governments if provision should be made obliging each Member party to the Convention to notify the International Labour Office immediately of the suspension of the application of the regulations, indicating the reasons which have caused the suspension. The other parties to the Convention would be informed by the Office of this decision, which might have an effect on their national economy.

Gradual Application of the International Regulations

Questions 71 to 73

In its report to the Conference and to the Technical Tripartite Meeting on the Coal Mining Industry, the Office observed that the introduction of the 38¾-hour week in coal mines might be facilitated

by providing for its gradual introduction where an immediate application in full would raise serious difficulties. It suggested that Governments be consulted on the possibility of adopting as a transitional scheme for a period of two to four years, for example, a system consisting of 11 shifts of $7\frac{3}{4}$ hours per fortnight (which would give around 42 hours 37 minutes per week on the average) distributed over 6 shifts in one week and 5 shifts in the next week. The suggestions of the Office were favourably received by a large number of the members of the Meeting. In the course of the general discussion, the French employers' delegate drew the attention of the Meeting to the suggestions of the Office and indicated that they seemed to open the way to a practical agreement.

The introduction of such a transitional scheme raises, in the first place, two important questions: that of the duration of the scheme, and that of its starting-point.

Governments are asked, in replying to Question 71 (b), to state whether they desire the duration of the transitional scheme to be two years, four years, or any other length that they may indicate.

As to the starting-point for the transitional scheme, two solutions might be envisaged: either the starting-point might coincide with the initial date of coming into force of the Convention or it might coincide with the date of the coming into force of the Convention in regard to each ratifying State. If the first solution were adopted and the duration of the transitional scheme fixed at 4 years, for example the result would be that 4 years after the initial coming into force of the Convention the transitional scheme would come to an end: consequently a State which ratified the Convention three years after its initial coming into force could only apply the transitional scheme during one year, and all States which ratified the Convention four years after its initial coming into force could no longer make any use of the transitional scheme. On the other hand, the second solution enables any State which ratifies the Convention, however long after its initial coming into force, to benefit from the transitional scheme during the whole duration of the scheme. This latter solution was adopted in the Reduction of Hours of Work (Textiles) Convention, 1937 (No 61). Governments should indicate which of the two solutions they prefer in replying to Question 71 (c).

In the course of the very full discussion which took place during the Technical Tripartite Meeting on the Coal Mining Industry on the subject of a transitional scheme, several trends became evident, as a consequence of which the Office proposed amendments to

the wording of the point dealing with this scheme. In the first place, it appeared that the members of the Meeting considered it necessary that Governments be consulted on a larger basis than that provided for by the Office. To this end it was suggested that the scheme envisaged by the Office might be applied to other weekly limits, in particular to those of 44 and 42 hours. Further, it was made clear that the distribution of shifts in order to obtain an average weekly limit might be over a longer period than that provided by the Office, namely two weeks.

In the second place, the discussion showed that certain States were opposed to the system of a reduction of hours of work consisting of a reduction of the number of working days per week (5-day week) and that they would only allow the reduction of the daily hours of work.

These various desiderata have been expressed in Questions 72 and 73, dealing respectively with underground workers and surface workers of underground mines, or in open mines. Paragraphs (a), (b), and (c) of Question 72 contemplate, for underground workers, the establishment of a 44-hour week, 42 hours 37 minutes, or 42 hours, by a succession of weeks of 6 shifts and of weeks of 5 shifts of 8 hours, 7 hours 45 minutes, or 7 hours 38 minutes, or by the fixing of the daily time spent in the mine at 7 hours 20 minutes, 7 hours 6 minutes, or 7 hours. States may have their choice of applying one or the other of these two systems, since they are considered as equivalent.

For surface workers the weekly limits provided in paragraphs (a) and (b) of Question 73 are those of 44 and of 42 hours.

Paragraph (c) of Questions 72 and 73 has a general meaning and permits Governments to suggest the introduction of other transitional schemes based on one of the two systems mentioned above, or on a combination of these two systems.

Coming into Force and Duration of the Convention

Questions 74 to 76

The conditions for the coming into force of the Conventions of 1931 and of 1935 differ from the usual conditions in that these Conventions enter into force when they are ratified, not by any two States whatsoever, but by any two of the following countries: Belgium, Czechoslovakia, France, Germany, Great Britain, the

Netherlands, and Poland, specifically designated in the Convention Questions 74 and 75 permit Governments to give their opinion on this subject

In reality, the majority of the States concerned have on several occasions since 1931 stated that they would only ratify the Conventions of 1931 and of 1935 if the other States mentioned above ratify the Conventions at the same time. Further, the situation has been complicated by the fact that Germany, one of the most important States in the production and exportation of coal, is no longer a Member of the International Labour Organisation. Thus, at the present time, these Conventions have not yet come into force.

In the Grey Report the Office examined this question in detail, and in the following terms sought to pave the way toward a new solution

“Unwillingness to apply the standard set by a Convention unless other States are also applying that standard is not the only ground upon which a State may be unwilling to ratify a Convention unless other States ratify the Convention simultaneously. Unwillingness to bind itself internationally to continue to apply the Convention standard over a considerable period unless other States bind themselves simultaneously for the same period may, and often does, play a still more important part in determining the decision of a State which is considering ratification. It would seem possible to meet the views of such States by providing in the Convention that until it has been ratified by certain named States, any party to the Convention may denounce it at any time on giving one month's notice. Apart from a clause to this effect, the Convention would contain provisions of the ordinary type relating to coming into force and denunciation. It might, for instance, come into force six months after the registration of any two ratifications, and be subject to denunciation, after all the named States had ratified, at five-yearly intervals.

“Briefly put, the Convention would operate as a *modus vivendi* subject to denunciation at any time on one month's notice, until it had been ratified by those States whose simultaneous ratification would probably be insisted on as a condition of undertaking an engagement valid for five years, but on ratification by the enumerated States, the engagement entered into by all States which had ratified would lose its provisional character and become a firm engagement effective for a period of five years, and thereafter for further periods of five years unless denounced. The Convention would enter into force and require, in the case of States which had ratified, observance of the standards prescribed by its terms, six months after the deposit of the second ratification, but until potential competitors of special importance, named in the Convention, had ratified, any party to the Convention would be entitled to withdraw from its engagement on giving a short period of notice if it felt that the competition of such States made it impossible for it to maintain standards not being observed elsewhere. Provision could be made, if thought desirable, for consideration of the whole position by the Governing Body in the event of any State having recourse

to the provision permitting denunciation at one month's notice. On some such lines as these, it would seem possible to overcome the main difficulty which has hitherto prevented the coming into force of any Convention relating to hours of work in coal mines."

Question 76 permits Governments to be consulted on the system suggested by the Office, a system which may provide a satisfactory solution for the problem of the coming into force of the special Convention contemplated.

Revision of the Convention

Questions 77 and 78

The Conventions of 1931 and of 1935 depend upon a number of compromises—a compromise on the figures specifying the daily time spent in the mine, a compromise on the special method of calculation provided for Great Britain; a compromise on the special provisions for underground lignite mines and for open coal mines.

Further, these compromises were only accepted on the condition that the solutions reached should be considered as provisional and that they could be revised in the near future. To this end, Article 21 of the Conventions of 1931 and of 1935 stipulates that, at the latest, before the expiration of a period of three years from the time of the coming into force of these Conventions, the Governing Body of the International Labour Office will inscribe as an item on the agenda of the Conference the revision of the Convention on the points in question.

There is reason to believe that certain of the compromises which appear in the Conventions of 1931 and of 1935 will appear in the suggested Convention if it is adopted. To these compromises others will very likely be added. It is for this reason that the Office suggested in the list of points that the Governing Body be charged, at the end of a period of 2 to 4 years—for example—from the coming into force of the Convention with the examination of the desirability of revising the provisions of the Convention concerning the maximum limits of hours of work in the different categories of mine, the exceptional methods of calculation of hours of work, the number of hours of overtime placed at the disposal of miners, wages for different categories of mines, and of special cases.

The whole of the considerations which led to the suggestion of revision of the proposed Conventions is to be found in Questions 77 and 78 submitted to Governments.

B — Questionnaire

[The indications which appear in parentheses after certain questions refer to the corresponding articles and paragraphs either in the Draft Convention, No 46, Limiting Hours of Work in Coal Mines (Revised, 1935) or to the proposed Draft Convention concerning the Reduction of Hours of Work in Coal Mines, submitted to the 20th Session of the International Labour Conference (1936), by the Committee on Hours of Work in Coal Mines and reviewed by the Drafting Committee of the Conference. These texts are reproduced below in the appendix.]

I. — FORM OF THE REGULATIONS

1. Do you consider it desirable that the International Labour Conference should adopt, in the form of a Draft Convention, international regulations for the reduction of hours of work in coal mines ?

II. — UNDERGROUND WORKERS IN UNDERGROUND COAL MINES, INCLUDING LIGNITE

§ 1. — SCOPE

With regard to Mines

2. Do you consider that the international regulations should apply to all mines from which coal, including lignite, is the only or principal mineral extracted (with a special scheme for lignite mines if considered desirable) ?

(Conv 1935¹, Art 1, para 1, as amended
by prop Dr Conv 1936)

With regard to Persons

3. Do you consider that the regulations should apply to any person occupied underground by whatever employer and on whatever kind of work he may be employed ?

(Conv 1935, Art 2 (a))

¹ Except where otherwise indicated, the provisions of this Convention are also to be found under the corresponding articles of the Convention of 1931

4. Do you consider it desirable to include provisions to permit the excluding of persons engaged in supervision or management who do not ordinarily perform manual work ?

(Conv 1935, Art 2 (a))

§ 2 — NORMAL HOURS OF WORK

5. Do you consider that the normal hours of work of any worker should be assimilated to the time spent by him in the mine ?

(Conv 1935, Art 3, para 1)

Definition of Time Spent in the Mine

6. Do you agree that in mines where access is by a shaft the time spent in the mine should be considered to mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending ?

(Conv 1935, Art 3, para 1 (a))

7. Do you agree that in mines where access is by an adit the time spent in the mine should be considered to mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface ?

(Conv 1935, Art 3, para 1 (b))

Limitation of Time Spent in the Mine

8. Do you consider that the daily and weekly time spent in the mine for any worker should be fixed at :

(a) $7\frac{3}{4}$ hours per day and $38\frac{3}{4}$ hours per week ?

(Conv 1935, Art 3, para 2, as amended
by prop Dr Conv 1936)

or

(b) 8 hours per day and 40 hours per week ?

or

(c) $38\frac{3}{4}$ hours per week as an average calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days, the daily time not to exceed $7\frac{3}{4}$ hours ?

In this case what length do you propose for the period of calculation ?

or

- (d) 40 hours per week on the average calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days, the daily time not to exceed 8 hours ?

In this case, what length do you propose for the period of calculation ?

or

- (e) $7\frac{1}{2}$ hours per day and 45 hours per week ?

or

- (f) Other limits, and, if in the affirmative, what limits ?

9 Do you consider that the weekly time spent in the mine for any worker should be determined on the basis of a $38\frac{3}{4}$ -hour week or a 40-hour week, as provided in paragraphs (a), (b), (c), and (d) of Question 8, with the possibility of introducing a transitional scheme providing for longer hours and a different distribution of hours of work ? (See below, VIII, 71-73)

10 In the case of the collective calculation of hours of work, do you agree that the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface should be deemed to be the same as the individual time spent in the mine, provided that the order of and the time required for the descent and ascent of a shift and of any group of workers is approximately the same ?

(Conv 1935, Art 4)

11. In collective calculation where the length of the shift is reckoned exclusive of winding time:

- (a) Do you agree that if national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface should not in any mine exceed the limits fixed for the individual time spent in the mine less 30 minutes, and that no method of regulation should be permitted by which the hewers as a class of

workers would on the average work longer than other classes of underground workers in the same shift ?

(Conv 1935, Art 5, para 1)

- (b) Do you consider, further, that any Member which, having applied the method of calculation just defined, subsequently applies the method of calculation mentioned above should make the change simultaneously for the whole country and not for a part thereof ?

(Conv 1935, Art 5, para 2)

Determination of Individual Time in the Mine when Hours of Work are Calculated at the Workplace

12. Do you agree that where by law or custom, effective either in the country as a whole or in a particular district of the country, hours of work are reckoned as being the period between the time of the arrival of the worker at the face or other working place and the time of his departure therefrom, exclusive of breaks, the maximum time spent by any worker at his place of work should be fixed in such a manner that this time, added to the weighted average of the time spent in travelling underground and in breaks, by all the workers in the country or in the district, as the case may be, does not exceed the limits fixed for individual time spent in the mine ?

(Prop Dr Conv 1936, Art 6, para 1)

13 Do you consider that where the individual time spent in the mine is calculated by the method described in Question 12 above, the limitation of the time spent by any worker at his place of work should be fixed at 7 hours per day and 35 per week ?

(Prop Dr Conv 1936, Art 6, para 2)

§ 3 — MAKING UP LOST TIME

14. Do you consider that international regulations should provide for the possibility of making up certain lost shifts or hours ?

15. Do you consider that it should be possible to make up lost shifts or hours in the case of collective stoppage resulting from.

- (a) public or local holidays ?
- (b) interruption of work due to accident ?
- (c) other reasons, and, if in the affirmative, what reasons ?

16. Do you consider that the making up of lost shifts or hours should only be possible in a given period varying with the number of shifts or hours to be made up ?

If in the affirmative, what period do you propose ?

17. Do you consider that the extension of time spent in the mine due to the making up of lost time should not exceed either one shift per week or one-sixth of a shift per day ?

If these maximum limits do not seem suitable to you, what other limits do you propose ?

18. Do you consider that the cases in which making up lost time are allowed (Question 15), and the conditions for the making up of lost time (Questions 16 and 17) should be determined:

(a) by international regulations ?

or

(b) by national laws or regulations ?

§ 4 — WORK ON SUNDAYS AND PUBLIC HOLIDAYS

19. Do you consider that the international regulations should contain a prohibition of employment of workers on underground work on Sunday and legal public holidays ?

(Conv 1935, Art 6, para 1)

20. Do you consider that the international regulations should allow the possibility of working for part of a Sunday or a legal public holiday, provided that the workers enjoy a rest period of 24 consecutive hours, of which at least 18 fall on the Sunday or legal public holiday ?

(Conv 1935, ¹ Art 6, para. 1)

21. Do you consider that the following kinds of work should be authorised, by way of exception, on Sundays and legal public holidays for workers over 18 years of age:

(a) Work which owing to its nature must be carried on continuously ?

(b) Work in connection with the ventilation of the mine, of the prevention of damage to the ventilation apparatus, safety work,

¹ Provision not appearing in the Convention of 1931

work in connection with first aid in case of accident or sickness, and the care of animals ?

- (c) Survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking ?
- (d) Urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer ?

(Conv 1935, Art 6, para 2)

- (e) Any other work, and if so, what work ?

22 Do you consider that the international regulations should bind the competent authority to take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised ?

(Conv 1935, Art 6, para 3)

23. Do you consider that work authorised on Sundays and legal public holidays should be paid for at not less than one-and-a-quarter times the regular rate ?

(Conv 1935, Art 6, para 4)

24 Do you consider that special compensation (compensatory rest periods or adequate extra payment) should be given to workers who are engaged to any considerable extent on work authorised on Sundays or legal public holidays, the detailed application of this provision being regulated by national laws or regulations ?

(Conv 1935, Art 6, para 5)

§ 5 — SHORTER HOURS IN UNHEALTHY WORKPLACES

25 Do you consider that the competent authority should be empowered to fix lower maximum hours of work for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause ?

(Conv 1935, Art 7)

§ 6 — EXTENSION OF NORMAL HOURS OF WORK

Extensions in Case of Accidents

26 Do you consider that the competent authority should be empowered to issue regulations authorising extensions in case of accidents, *force*

majeure, or urgent work to be done to the machinery, plant or equipment of the mine, even if coal production is thereby incidentally involved ?

(Conv. 1935, Art 8, para 1)

27. Do you consider that these extensions should be limited to the time necessary to avoid serious interference with the ordinary working of the mine ?

(Conv 1935, Art 8, para 1)

28. Do you consider that overtime worked in virtue of such extensions should be paid for at not less than one-and-a-quarter times the regular rate ?

(Conv 1935, Art 8, para 6)

Extensions for Technical Reasons

29. Do you consider that the competent authority should be empowered to issue regulations authorising extensions :

(a) for workers employed on operations which must be carried on continuously ?

and

(b) for workers employed on technical work which is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided that this does not refer to the production or transport of coal ?

(Conv 1935, Art 8, para 2)

30 Do you consider that the length of the extensions authorised should be limited in general to half an hour per day and $2\frac{1}{2}$ hours per week ?

(Conv 1935, Art 8, para 2, as amended
by prop Dr Conv 1936, Art 9, para. 2)

31. (a) Do you consider that the length of the extensions authorised for workers whose presence is indispensable for the work of ventilation and pumping stations, and of such compressed air stations as are necessary for ventilation, for underground storemen, and for winchmen and locomotive drivers and their indispensable assistants, should not exceed half an hour per day and $2\frac{1}{2}$ hours per week, provided :

that no worker in the above grades who is employed on operations which, by their nature must be carried on continuously, may be

employed for more than 8 hours per day or 42 hours per week, exclusive of the time spent in the mine by that worker in reaching and returning from his place of work, it being understood that, in each case, this time will be reduced to the indispensable minimum; the methods of application to be decided by the competent authority after consultation with the organisations of employers and workers concerned where such exist ?

further, for underground storemen, for enginemen and men in charge of internal shafts who are engaged upon the transport of workers, for drivers of locomotives who are engaged upon the transport of workers and for the indispensable assistants of the drivers, enginemen and men in charge of internal shafts mentioned above, the limit of such extension should be fixed by regulations issued by the competent authority ?

(Conv 1935,¹ Art 8, para 3, as amended
by prop Dr Conv 1936, Art 9, para 3)

(b) Do you consider that it would be well to fix more exact limits ?

If in the affirmative, what limits do you propose ?

32. Do you consider that the individual daily time spent in the mine on the day of the periodical change-over of shifts of workers whose presence is indispensable for the work of ventilation, pumping and compressed air should be extended but only to such extent as may be necessary to permit the periodical change-over of shifts, the weekly hours of work not to exceed on an average the weekly hours of work fixed for the workers in question ?

(Conv 1935,¹ Art 8, para 4, as amended
by prop Dr Conv 1936, Art 9, para 4)

33. Do you consider that it would be well to limit the number of workers covered by extensions for continuous operations and for preparatory and complementary work to 5 per cent of the total number of persons employed at the mine in the case of mines in normal operation ?

(Conv 1935, Art 8, para 5)

34. Do you consider that the international regulations should provide for other extensions for technical reasons ?

If in the affirmative, what extensions do you propose and what should be their length ?

¹ Provision not figuring in the Convention of 1934

35. Do you consider that overtime worked in virtue of extensions for the technical reasons mentioned above, except that necessitated by the periodical change-over of shifts, should be paid for at not less than one-and-a-quarter times the regular rate ?

(Conv 1935, Art 8 para 6)

Overtime placed at Disposal of Undertakings

36. Do you consider that the competent authority should be empowered to issue regulations placing a certain number of hours' overtime per year at the disposal of undertakings ?

(Conv 1935 Art 9, para 1)

37. What should in your opinion be the number of annual hours' overtime placed at the disposal of undertakings and the manner in which it may be used :

(a) quota of 60 hours placed directly at the disposal of undertakings ?

(Conv 1935 Art 9, para 1)

or

(b) quota of 80 or 100 hours placed directly at the disposal of undertakings and subjected to revision on expiry of a period to be determined ?

or

(c) quota of 80 or 100 hours divided into two parts, the first (60 hours) to be placed directly at the disposal of undertakings and the second to be used only in virtue of collective agreements ?

or

(d) quota of 80 or 100 hours placed directly at the disposal of undertakings and divided into two parts, the first (60 hours) to be allowed on a permanent basis and the second to be used only during a transitional period to be determined ?

or

(e) quota of 80 or 100 hours divided into two parts, the first (60 hours) to be placed directly at the disposal of undertakings on a permanent basis and the second to be used only during a transitional period to be determined and then only in virtue of collective agreements ?

38. Do you consider that it would be well to fix the annual number of hours' overtime allowed at a multiple of the daily time spent in the mine, so that it shall correspond to an exact number of shifts ?

39. Do you consider that the overtime placed at the disposal of undertakings under the conditions set out in Question 37 should be paid for at not less than one-and-a-quarter times the regular rate ?

(Conv 1935, Art 9, para 2)

§ 7 — MEASURES FOR APPLICATION

40. Do you consider that the organisations of employers and workers concerned should be consulted before the issuing of the national regulations for which provision is made in the preceding question ?

(Conv 1935, Art 10)

41. Do you consider that collective agreements should be used for application of the provisions of the Convention at the discretion of the competent authority, on condition that under national legislation collective agreements have the force of law in relation either to the whole of the coal mining industry, or to one or more branches of that industry ?

(Prop Dr Conv 1936, Art 11, para 2)

§ 8 — ANNUAL REPORTS OF STATES

42. Do you consider that the Draft Convention should specify the information to be furnished in the annual reports of States, particularly with regard to the action taken to regulate time spent in the mine and with regard to regulations issued by the competent authority in virtue of the provisions of the international regulations ?

(Conv 1935, Art 11, as amended by prop
Dr Conv 1936, Art 12)

§ 9 — PROVISIONS TO FACILITATE ENFORCEMENT OF THE REGULATIONS

43. Do you consider that the management of every mine should be bound to notify by means of notices conspicuously posted at the pithead, or in some other suitable place, or by such other method as may be approved by the competent authority:

- (i) the hours at which workers of each group or shift shall begin to descend and shall have completed the descent ?

(Conv. 1935 Art. 12 (a))

- (ii) such particulars as the competent authority may prescribe concerning the methods of application of the international regulations ?

Prop. Dr. Conv. 1935 Art. 12 (a) (ii))

44. Do you consider that the competent authority should approve the time table, and that once approved no changes therein should be made except with the consent of the competent authority by notice and in a manner approved by the competent authority ?

Conv. 1935 Art. 12 (a))

45. Do you consider that the management of every mine should keep a record in the form prescribed by national laws or regulations of all additional hours worked ?

Conv. 1935, Art. 12 (b))

46. Do you consider that the international regulations should provide other methods of supervision ?

If in the affirmative, what methods ?

§ 10. — SPECIAL SCHEME FOR UNDERGROUND LIGNITE MINES

47. Do you consider that the international regulations should provide for a special scheme for underground lignite mines ?

(Conv. 1935, Art. 13)

48. Do you consider that the term "lignite mine" should mean any mine, outside the United States of America, from which coal of the geological period subsequent to the carboniferous period is extracted ?

(Conv. 1935, Art. 1 para. 2, as amended
by prop. Dr. Conv. 1935)

Determination of Special Scheme

49. Do you consider that the provisions of the international regulations should apply to underground lignite mines, provided:

- (i) that, in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may

permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, such breaks in no case to exceed 30 minutes for each shift, this permission to be given only after the necessity for such a system has been established by official investigation of each individual case and after consultation with the representatives of the workers concerned ?

(Conv 1935, Art 13, para 1 (a))

- (11) that the number of hours' overtime may be increased to not more than 75 a year ?

and further

that the competent authority may approve collective agreements which provide for not more than 75 hours' further overtime a year in the case of individual districts or mines where this is required on account of special technical or geological conditions ?

(Conv 1935, Art 13, para 1 (a) and 2)

III. — SURFACE WORKERS OF UNDERGROUND COAL MINES INCLUDING LIGNITE

50 Do you consider that surface workers of underground coal mines should be included in the scope of international regulations for industrial workers in general ?

or

that these workers should be included in the scope of special international regulations concerning coal mines ?

*If Surface Workers are included in the Scope of the Special
International Regulations concerning Coal Mines*

Scope

51. Do you consider that the special international regulations concerning coal mines should apply :

- (a) to any person occupied at the surface of the mine including persons employed in ancillary undertakings—distilleries of coal and undertakings for the transformation of by-products, manufacture of synthetic petrol and manufacture of compressed fuel, etc. ?

- (b) to any person occupied at the surface of the mine excluding persons employed in ancillary undertakings ?

52. In case it is your opinion that the special international regulations should not apply to persons employed in ancillary undertakings, what criterion do you propose to have recourse to in order to draw a line of demarcation between mining undertakings proper, whose staff should be covered, and ancillary undertakings, whose staff should be excluded ?

53 Do you consider it desirable to include provisions to permit excluding from the application of the proposed regulations persons engaged in supervision or management who do not ordinarily perform manual work ?

If this formula for exclusion does not seem satisfactory, what other formula would you propose ?

Hours of Work Scheme

54. Which do you prefer of the following schemes concerning the regulation of hours of work of surface workers in underground mines:

- (a) Application to surface workers of underground mines of the hours of work scheme proposed by the international regulations for industrial workers in general ?

or

- (b) Extension to surface workers of the hours of work scheme for workers in open coal mines directly or indirectly employed in the extraction of coal contained in the proposed Draft Convention of 1936 (see below IV, 61) ?

or

- (c) Application to surface workers of underground mines of an hours of work scheme based on a limitation to 40 hours per week as an average, calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days, the daily time not to exceed 8 hours ?

In this case what length would you propose for the period of calculation ?

or

- (d) Application to surface workers of underground mines of an hours of work scheme based on normal hours of work of $7\frac{1}{2}$ per day and 45 per week ?

IV. — WORKERS IN OPEN COAL MINES, INCLUDING LIGNITE

55 Do you consider that the international regulations should apply to workers in open coal mines including lignite ?

(Conv 1935, Art 14, as amended by prop
Dr Conv 1936, Art 15)

If the Special International Regulations concerning Coal Mines are applied to Surface Workers of Underground Mines
Scope

56. Do you consider that if the special international regulations concerning coal mines should apply to surface workers of underground mines, these regulations should apply :

(a) to any person occupied at the surface of the mine including persons employed in ancillary undertakings—distilleries of coal and undertakings for the transformation of by-products, the manufacture of synthetic petrol, manufacture of compressed fuel, etc ?

or

(b) to any person occupied at the surface of the mine, excluding persons employed in ancillary undertakings ?

In this case what criterion do you propose to have recourse to in order to draw a line of demarcation between mining undertakings proper, whose staff should be covered, and ancillary undertakings whose staff should be excluded ?

57. Do you consider it desirable to include provisions to permit excluding from the scope of the proposed regulations persons engaged in supervision or management who do not ordinarily perform manual work ?

If this formula for exclusion does not seem satisfactory, what other formula would you propose ?

Hours of Work Scheme

58 Which do you prefer of the following schemes concerning the regulation of hours of work in open coal mines ?

(a) Application to workers in open coal mines of the hours of work scheme contained in the international regulations concerning industrial workers in general ?

or

- (b) Extension to all the workers in open coal mines of the hours of work scheme contained in the proposed Draft Convention of 1936 for workers in open coal mines employed directly or indirectly in the extraction of coal (see below 61) ?

or

- (c) Application to workers in open coal mines of an hours of work scheme based on an average 40-hour week, calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days, the daily time not to exceed 8 hours ?

In this case, what length would you propose for the period of calculation ?

or

- (d) Application to workers in open coal mines of an hours of work scheme based on normal hours of work of $7\frac{1}{2}$ per day and 45 per week ?

If the Special International Regulations concerning Coal Mines are not applied to Surface Workers or Underground Mines

Scope

59. Do you consider that if the special international regulations concerning coal mines are not applied to surface workers of underground mines, these regulations should apply only to those persons employed directly or indirectly in the extraction of coal.

(Conv 1935 Art. 2 (b))

60. Do you consider it advisable to include provisions to permit excluding persons engaged in supervision or management who do not ordinarily perform manual work.

(Conv 1935, Art 2 (b))

Hours or Work Scheme

61. Do you consider that workers in open coal mines should be subject to the provisions concerning underground workers in underground coal mines provided:

- (a) that hours of work do not exceed:

(i) $38\frac{3}{4}$ hours per week, the competent authority being empowered to extend this period, after consultation with the

organisations of employers and workers concerned, up to 40 per week ?

(Prop Dr Conv 1936, Art 15, para 1)

or

- (11) 40 hours per week as an average calculated over a fixed period consisting of a certain number of weeks of 6 days and a certain number of weeks of 5 days, the daily time not to exceed 8 hours.

In this case, what length do you propose for the period of calculation ?

or

- (111) the limits mentioned above, with a higher limit during a transitional period (see below VIII, 71-73) ?

or

- (1v) $7\frac{1}{2}$ hours per day and 45 hours per week

- (b) (i) that the number of hours' overtime may be increased to not more than 100 hours a year throughout the country, and that where special needs so require, but only in such cases, the competent authority may approve collective agreements which provide for an increase of the above-mentioned 100 hours by not more than 100 hours a year ?
- (ii) that such overtime should be paid for at one-and-a-quarter times the normal rate ?

(Prop Dr Conv 1936, Art 15, paras 5, 6 and 7)

62 Do you consider that in countries where hours of work of underground workers are calculated at the workplace hours of work in open coal mines may not exceed the limits fixed for underground workers ?

(Prop Dr Conv 1936, Art 15, para 2)

63 Do you consider that the methods of application provided for above in Question 61, paragraph (a), should be determined by the competent authority after consultation with employers and workers concerned ?

(Prop Dr Conv 1936, Art 15, para 3)

V. — SPECIAL SCHEMES FOR CERTAIN COUNTRIES

64. Do you consider it desirable to include in the international regulations special schemes for certain countries in conformity with the provisions of Article 19, paragraph (3) of the Constitution of the International Labour Organisation ?

Possible Special Schemes

65. Do you consider that for Asiatic countries—China, India and Japan—hours of work should be fixed at:

- (a) 8 hours a day and 48 hours a week for surface workers ?
and
- (b) $7\frac{3}{4}$ hours a day and $46\frac{1}{2}$ hours or 48 hours a week for underground workers ?

66. Do you consider that for Chile, for submarine deposits, it would be possible to exclude from the calculation of the individual time spent in the mine travelling time underground in both directions, minus the average travelling time underground in European mines ? ¹

67. Do you consider that for the Union of South Africa it would be well to fix a special scheme, taking into consideration the character and conditions of employment of coal mine workers in that country ?

VI. — SAFEGUARDING CLAUSE

68. Do you consider it desirable to include in the international regulations a safeguarding clause stipulating that nothing in the international regulations shall affect any law or regulation, award, custom or agreement, which ensures to the workers more favourable conditions than those provided in the international regulations ?

(Conv. 1935, Art. 15, as amended by prop.
Dr. Conv. 1936, Art. 16)

¹ See Note 1, p. 20

VII. — SUSPENSION OF APPLICATION OF THE INTERNATIONAL REGULATIONS

69. (a) Do you consider that it should be possible to suspend the application of the international regulations by the Government of any country in the event of emergency endangering the national safety ?

(Conv 1935, Art 16)

(b) If the above formula seems too narrow, do you consider that it should be possible to suspend the international regulations under the same circumstances as those contemplated in the Questionnaire concerning the generalisation of the reduction of hours of work in industry, commerce and offices ¹ ?

70. Do you consider that an obligation should be contained in the regulations to notify the International Labour Office immediately of the suspension of the application of the regulations, specifying the motives which have caused the suspension ?

VIII. — GRADUAL APPLICATION OF THE INTERNATIONAL REGULATIONS

Principle and Length of a Transitional Scheme

71. (a) Do you consider that if the immediate application of the 38³/₄-hour, or 40-hour week should prove difficult, there should be gradual application of the international regulations for all the coal mines of any country, or for certain classes of mines or for certain mining districts, by the introduction of a transitional scheme ?

¹ The corresponding question of the Questionnaire concerning generalisation of reduction of hours of work in industry, commerce and offices reads as follows

“ Do you consider that the international regulations should authorise suspension of the application in one or more of the following cases

- (a) in case of necessity for meeting the requirements of national safety,
- (b) in case of necessity for ensuring the working of a service of public utility,
- (c) in case of necessity for protecting the national economic system ? ”

(b) What, in your opinion, should be the duration of the transitional scheme:

(i) two years ?

or

(ii) four years ?

or

(iii) other duration ?

(c) Do you consider that the starting-point of the transitional period should coincide with:

(i) the date of the initial coming into force of the Convention ?

or

(ii) the date of the coming into force of the Convention in regard to each country which ratifies it ?

Transitional Scheme

Underground Workers

72. If replying in the affirmative to Question 71, which do you prefer of the following transitional schemes concerning hours of work of underground workers:

(a) 44 hours per week worked:

(i) in 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 8 hours ?

or

(ii) in 6 shifts per week of 7 hours and 20 minutes ?

(b) 42 hours and 37 minutes per week worked:

(i) in 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 7 hours 45 minutes ?

or

(ii) in 6 shifts per week of 7 hours and 6 minutes ?

(c) 42 hours per week worked :

(i) in 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 7 hours 38 minutes ?

or

(ii) 6 shifts per week of 7 hours ?

(d) Other schemes providing :

(i) for an even distribution of the weekly hours of work over all the working days of the week ?

(ii) or for the elimination of working days ?

(iii) or for a combination of the systems proposed in (i) and (ii) ?
In this case, what scheme do you propose ?

Surface Workers (Surface Workers of Underground Mines and Workers in Open Mines)

73 In the case of an affirmative reply to Question 71 which do you prefer of the following transitional schemes concerning the hours of work of surface workers (surface workers in underground mines and workers in open coal mines) :

(a) 44 hours per week worked :

(i) in 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 8 hours ?

or

(ii) 6 shifts per week of 7 hours and 20 minutes ?

(b) 42 hours per week worked :

(i) in 11 shifts in the fortnight (6 shifts in one week and 5 shifts in the next) of 7 hours 38 minutes ?

or

(ii) 6 shifts per week of 7 hours ?

(c) Other schemes providing :

(i) for an even distribution of weekly hours of work over all the working days in the week ?

(ii) or for the elimination of working days ?

(iii) or a combination of the two systems proposed in (i) and (ii) ?

In this case, what scheme do you propose ?

IX. — COMING INTO FORCE AND DURATION OF THE CONVENTION

74. Do you consider it desirable to make the coming into force of the Convention dependent upon conditions analogous to those appearing in the Conventions of 1931 and 1935, namely: that the Convention should come into force when it has been ratified by a certain number of States specifically named in the Convention ?

75. In the case of an affirmative reply to Question 74, please indicate :

- (a) the number of countries whose ratification should be necessary for the coming into force of the Convention;
- (b) the list of countries which should be specifically named in the Convention.

76. Do you consider that, nevertheless, as long as the Convention shall not have been ratified by all the States specifically named in the Convention, any party having ratified it should be able to denounce it at any time by giving one month's notice ?

X. — REVISION OF THE CONVENTION ¹

77. Do you consider it desirable to include in the Convention a special clause providing for the consideration by the Governing Body of the International Labour Office of the desirability of revising certain provisions of the Convention on the expiry of a period shorter than the period contemplated by the usual article in the Convention relating to periodical reports (10 years after the coming into force of the Convention) ?

¹ See Conv 1935, Art 21

If in the affirmative, at what duration do you propose to fix such a period reckoned from the initial coming into force of the Convention:

(a) two years ?

or

(b) four years ?

or

(c) other duration ?

78. Do you consider that the revision should deal with the following provisions:

(i) the maximum limits for hours of work in different classes of mines ?

(ii) exceptional methods of calculating hours of work:

(a) collective calculation excluding all winding time ?

(b) calculation of hours of work at the workplace ?

(iii) the number of hours of overtime allowed for the different classes of mines ?

(iv) special schemes ?

APPENDICES

APPENDIX I

DRAFT CONVENTION [No 46] LIMITING HOURS OF WORK IN COAL MINES (REVISED), 1935

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention limiting hours of work in coal mines adopted by the Conference at its Fifteenth Session, which is the seventh item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-first day of June of the year one thousand nine hundred and thirty-five, the following Draft Convention which may be cited as the Hours of Work (Coal Mines) Convention (Revised), 1935.

Article 1

1 This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or principally hard coal or lignite together with other minerals, is extracted

2 For the purpose of this Convention, the term "lignite mine" shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted

Article 2

For the purpose of this Convention, the term "worker" shall mean

- (a) in underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed except persons engaged in supervision or management who do not ordinarily perform manual work
- (b) in open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work

Article 3

1 Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows:

- (a) time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending,

(b) in mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface

2 In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

Article 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 2 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same

Article 5

1 Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes, provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift

2 Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof

Article 6

1 Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays

Provided that this requirement shall be deemed to be complied with if the workers enjoy a rest period of twenty-four consecutive hours, of which at least eighteen fall upon the Sunday or legal public holiday.

2 National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over eighteen years of age

- (a) for work which, owing to its nature, must be carried on continuously,
- (b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals,
- (c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking,

- (d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer

3 The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article

4 Work permitted under paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

5 Workers who are engaged to any considerable extent on work permitted under paragraph 2 of this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations

Article 7

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause

Article 8

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment of the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine.

2 Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in the case of workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal. The additional time so authorised for any individual worker shall not, except as specified in paragraphs 3 and 4 of this Article, exceed half an hour on any day

3 Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded to an extent exceeding half an hour in the case of the following grades

- (a) workers whose presence is indispensable for the work of ventilation and pumping stations and of such compressed air stations as are necessary for ventilation,
- (b) underground storemen, and
- (c) winchmen and locomotive drivers and their indispensable assistants

Provided that no worker in the above grades who is employed on operations which by their nature must be carried on continuously may be employed for more than eight hours per day exclusive of the time

spent in the mine by that worker in reaching and returning from his place of work, it being understood that in each case this time will be reduced to the indispensable minimum

Provided also that in the case of

- (a) underground storemen;
- (b) enginemen and men in charge of internal shafts who are engaged upon the transport of workers,
- (c) drivers of locomotives who are engaged upon the transport of workers, and
- (d) the indispensable assistants of the grades specified in clauses (b) and (c),

the limit of such extension shall be that fixed by the regulations of the public authority.

4 Regulations made by public authority may provide that the limit of hours specified in Articles 3, 4, 5 and 7 and in paragraphs 2 and 3 of this Article may be exceeded in the case of workers whose presence is indispensable for the work of underground ventilation, pumping and compressed air stations, but only to such extent as may be necessary to permit the periodical change-over of shifts, and time worked in virtue of this provision shall not be deemed to be overtime, so however that during any period of three weeks no worker shall work more than twenty-one shifts of the length prescribed for his grade by paragraph 2 or paragraph 3 of this Article as the case may be

5 In the case of mines in normal operation the number of persons coming under paragraphs 2 and 3 of this Article shall at no time exceed five per cent of the total number of persons employed at the mine

6 Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

Article 9

1 Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole

2 This overtime shall be paid for at not less than one-and-a-quarter times the regular rate

Article 10

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned

Article 11

The annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement

Article 12

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required

- (a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority

- (b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9

Article 13

1 In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions

- (a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift. Such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case and after consultation with the representatives of the workers concerned

- (b) the number of hours' overtime provided for in Article 9 may be increased to not more than seventy-five hours a year

2 In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours' further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions

Article 14

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of overtime which may be worked in virtue of Article 6, paragraph (b), of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year

Article 15

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers

Article 16

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety

Article 17

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration

Article 18

1 This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretariat

2 It shall come into force six months after the date on which the ratifications of two of the following Members have been registered by the Secretary-General of the League of Nations Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland

3 Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered

Article 19

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation

Article 20

1 A Member which has ratified this Convention may denounce it, after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat

2 Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of three years under the terms provided for in this Article

Article 21

1 At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office

shall place on the Agenda of the Conference the question of the revision of this Convention on the following points

- (a) the possibility of a further reduction in the hours of work provided for in paragraph 2 of Article 3,
- (b) the right to have recourse to the exceptional method of calculation laid down in Article 5,
- (c) the possibility of modifying the provisions of Article 13, paragraph 1, sub-paragraphs (a) and (b), in the direction of a reduction of the hours of work;
- (d) the possibility of a reduction in the amount of overtime provided for in Article 14

2 Moreover, at the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision, in whole or in part

Article 22

1 Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force,
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members

2 This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention

Article 23

The French and English texts of this Convention shall both be authentic

APPENDIX II

TEXT OF PROPOSED DRAFT CONVENTION CONCERNING THE REDUCTION OF HOURS OF WORK IN COAL MINES, SUBMITTED AT THE TWENTIETH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE (1936) BY THE COMMITTEE ON HOURS OF WORK IN COAL MINES AND REVIEWED BY THE DRAFTING COMMITTEE OF THE CONFERENCE

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twentieth Session on 4 June 1936:

Considering that the question of the reduction of hours of work in coal mines is the sixth item on the Agenda of the Session

Confirming the principle laid down in the Forty-Hour Week Convention 1935 including the maintenance of the standard of living

Considering it to be desirable that this principle should be applied by international agreement to coal mines:

adopts this . . . day of June one thousand nine hundred and thirty-six the following Draft Convention which may be cited as the Reduction of Hours of Work (Coal Mines) Convention 1936

Article 1

1 This Convention applies to all mines from which coal including lignite is the only or principal mineral extracted

2 For the purpose of this Convention, the term "lignite mine" means any mine, outside the United States of America, from which coal of a geological period subsequent to the carboniferous period is extracted.

Article 2

For the purpose of this Convention the term "worker" means.

- (a) in underground mines any person occupied underground by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work
- (b) in open mines any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work.

Article 3

1 Hours of work in underground mines means the time spent in the mine calculated as follows

- (a) time spent in an underground mine means the period between the time the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending,
- (b) in mines where access is by an adit the time spent in the mine means the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface

2 In no underground mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day nor shall it exceed thirty-eight hours and forty-five minutes per week

3 The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, decide the methods of application

Article 4

The provisions of paragraph 2 of Article 3 relating to the daily limit of hours shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface does not exceed seven hours and forty-five minutes. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same

Article 5

1 Subject to the provisions of the second paragraph of this Article, the provisions of paragraph 2 of Article 3 relating to the daily limit of hours shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift

2 Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4, shall make the change simultaneously for the whole country and not for any part thereof

Article 6

1 Where by law or custom effective either in the country as a whole or in a particular district of the country hours of work are reckoned as being the period between the time of the arrival of the worker at the face or other working place and the time of his departure therefrom, exclusive of breaks, the provisions of paragraph 2 of Article 3 of this Convention shall be deemed to be complied with if the maximum time spent by any worker at his place of work is fixed in such a manner that this time,

added to the weighted average of the time spent in travelling underground and in breaks by all the workers in the country or in the district as the case may be, does not exceed the limits fixed in paragraph 2 of Article 3

2 The time spent by any worker at his place of work, determined according to the provisions of the preceding paragraph, shall not in any case exceed seven hours per day or thirty-five hours per week.

Article 7

1 Workers shall not be employed on underground work in mines on Sundays and legal public holidays

Provided that this requirement shall be deemed to be complied with if the workers enjoy a rest period of twenty-four consecutive hours, of which at least eighteen fall upon the Sunday or legal public holiday

2 National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over eighteen years of age—

- (a) for work which, owing to its nature, must be carried on continuously,
- (b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals,
- (c) for survey work, in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking,
- (d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer

3 The competent authority shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article

4. Work permitted under paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

5 Workers who are engaged to any considerable extent on work permitted under paragraph 2 of this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations

Article 8

Lower maxima than those specified in Articles 3, 4, 5 and 6 shall be laid down by regulations made by the competent authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause

Article 9

1. Regulations made by the competent authority may provide that the hours specified in Articles 3, 4, 5, 6 and 8 may be exceeded in case of accident, actual or threatened, in case of *force majeure*, or in case of

urgent work to be done to machinery, plant or equipment of the mine as a result of a breakdown of such machinery, plant or equipment even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine

2 Regulations made by the competent authority may provide that the hours specified in Articles 3, 4, 5, 6 and 8 may be exceeded in the case of workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal. The additional time so authorised for any individual worker shall not, except as specified in paragraphs 3 and 4 of this Article, exceed half an hour on any day or two hours and a half in any week

3 Regulations made by the competent authority may provide that the hours specified in Articles 3, 4, 5, 6 and 8 may be exceeded to an extent exceeding half an hour on any day and two hours and a half in any week in the case of the following grades

- (a) workers whose presence is indispensable for the work of ventilation and pumping stations and of such compressed air stations as are necessary for ventilation,
- (b) underground store-men, and
- (c) winchmen and locomotive drivers and their indispensable assistants

Provided that no worker in the above grades who is employed on operations which by their nature must be carried on continuously may be employed for more than eight hours per day or forty-two hours in the week exclusive of the time spent in the mine by that worker in reaching and returning from his place of work, it being understood that in each case this time will be reduced to the indispensable minimum, the methods of application being decided in each country by the competent authority after consultation with the organisations of employers and workers concerned where such exist

Provided also that in the case of

- (a) underground store-men,
- (b) enginemen and men in charge of internal shafts who are engaged upon the transport of workers,
- (c) drivers of locomotives who are engaged upon the transport of workers, and
- (d) the indispensable assistants of the grades specified in clauses (b) and (c),

the limits of such extension shall be those fixed by the regulations of the competent authority

4 Regulations made by the competent authority may provide that the daily limit of hours specified in Articles 3, 4, 5, 6 and 8 and in paragraphs 2 and 3 of this Article may be exceeded in the case of workers whose presence is indispensable for the work of underground ventilation, pumping and compressed air stations, but only to such extent as may be necessary to permit the periodical change-over of shifts and subject

to the weekly hours of work of workers in these grades not exceeding the limits fixed in paragraphs 2 and 3 of this Article. Time worked in virtue of this provision shall not be deemed to be overtime.

5 In the case of mines in normal operation the number of persons coming under paragraphs 2 and 3 of this Article shall at no time exceed five per cent of the total number of persons employed at the mine.

6 Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 10

1 Regulations made by the competent authority may, in addition to the provisions of Article 9, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2 This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 11

1 The regulations mentioned in Articles 8, 9, 10 and 15 shall be made after consultation with the organisations of employers and workers concerned where such exist.

2 If the legislation of any Member provides that collective agreements between organisations of employers and workers shall, under prescribed conditions, have the force of law in relation either to the whole of the coal-mining industry or to one or more branches of that industry, the provisions of such agreements shall be deemed to be regulations made in pursuance of Articles 8, 9, 10 and 15 of this Convention.

Article 12

The annual reports submitted by Members upon the application of this Convention shall contain information as to the action taken to regulate hours of work in accordance with the provisions of Articles 3, 4, 5 and 6. They shall also furnish complete information concerning the regulations made under Articles 8, 9, 10, 13, 14 and 15 and collective agreements deemed to be regulations in virtue of paragraph 2 of Article 11 and concerning the enforcement thereof.

Article 13

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required

a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place or by such other method as may be approved by the competent authority

(1) the hours at which the workers of each group or shift shall begin to descend and shall have completed the ascent; these hours shall be approved by the competent authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention, and when once notified they shall not be changed except with the approval of the competent authority and by such notice and in such manner as may be approved by the competent authority,

- (ii) such particulars as the competent authority may prescribe concerning the methods of application of limits of hours of work decided in pursuance of Article 3, paragraph 3, Article 9, paragraph 3 and Article 15, paragraph 3,
- (b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 9 and 10

Article 14

1 In underground lignite mines Articles 3 and 4 and Articles 6 to 13 of this Convention shall apply subject to the following provisions

- (a) in accordance with such conditions as may be prescribed by national laws or regulations the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine provided that such breaks shall in no case exceed thirty minutes for each shift such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned,
- (b) the number of hours' overtime provided for in Article 10 may be increased to not more than seventy-five hours a year

2 In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours' further overtime a year Such further overtime shall likewise be paid for at the rate prescribed in Article 10, paragraph 2 It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions

Article 15

1 In open mines the hours of work shall not exceed thirty-eight hours and forty-five minutes per week provided that the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, authorise an extension, so, however, that in no case shall the hours of work exceed forty hours per week

2 In countries where the provisions of Article 6 are applied to underground workers, the hours of work in open mines shall not exceed the time fixed by this Convention for underground workers

3 The competent authority shall after consultation with the organisations of employers and workers concerned where such exist, decide the methods of application

4 The rules prescribed for underground mines by Articles 7, 8, 9, 11, 12 and 13 shall apply also to open mines

5 Regulations made by the competent authority may place at the disposal of open mines throughout the country as a whole not more than one hundred hours of overtime additional to the overtime permitted under Article 9

6 Where special needs so require but only in such cases the competent authority may approve collective agreements which provide for an

increase of the aforesaid one hundred hours by not more than a further hundred hours per year

7 Overtime worked in virtue of paragraphs 5 and 6 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 16

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention

Article 17

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety

Article 18

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration

Article 19

1 This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered by the Secretary-General

2. It shall come into force six months after the date on which the ratifications of two Members among the following countries have been registered by the Secretary-General Belgium, Czechoslovakia, France, Germany, Great Britain Netherlands, Poland and Union of Soviet Socialist Republics

3 Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered

Article 20

As soon as the ratifications of two of the Members mentioned in the preceding Article have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation

Article 21

1 A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration Such denunciation shall not take effect until one year after the date on which it is registered

2 Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article

Article 22

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part

Article 23

1 Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 21 above, if and when the new revising Convention shall have come into force,
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members

2 This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention

Article 24

The French and English texts of this Convention shall both be authentic
